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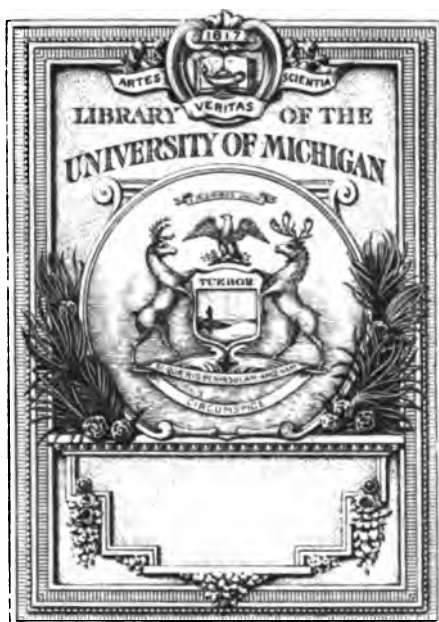
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DOCUMENTS

OF THE

ASSEMBLY OF THE STATE OF NEW YORK.

ONE HUNDRED AND FOURTH SESSION,

1881.

VOLUME I.—Nos. 1 to 11 Inclusive.



ALBANY:

WEED, PARSONS AND COMPANY, STATE PRINTERS.

1881.

[Handwritten signature]



STATE OF NEW YORK

No. 1.

DUPLICATE

IN ASSEMBLY,

JANUARY 5, 1881.

LIST OF MEMBERS

OF THE ASSEMBLY OF THE STATE OF NEW YORK FOR
1881.

County.	District.	Name.
Albany	1	Miner Gallup.
	2	Andrew S. Draper.
	3	Aaron B. Pratt.
	4	George Campbell.
Allegany	..	Samuel H. Morgan.
Broome	..	L. Coe Young.
Cattaraugus	1	Samuel H. Bradley.
	2	Joseph M. Congdon.
Cayuga	1	Thomas Hunter.
	2	Hector H. Tuthill.
Chautauqua	1	Albert B. Sheldon.
	2	Milton M. Fenner.
Chemung	..	Henry C. Hoffman.
Chenango	..	Solomon K. Bemiss.
Clinton	..	Shepard P. Bowen.
Columbia	..	John E. Gillette.
Cortland	..	Alburtis A. Carley.
Delaware	..	William Lewis.
Dutchess	1	Isaac S. Carpenter.
	2	James E. Dutcher.
Erie	1	Jeremiah Higgins.
	2	Frank Sipp.
	3	Arthur W. Hickman.
	4	George Bingham.
	5	Harvey J. Hurd.
Essex	..	James W. Sheehy.
Franklin	..	William D. Brennan.
Fulton and Hamilton	..	David A. Wells.

County.	District.	Name.
Genesee.....	..	Joseph W. Holmes.
Greene.....	..	Orlando L. Newton.
Herkimer.....	..	William D. Gorsline.
Jefferson.....	1	Charles R. Skinner.
	2	Henry Binninger.
Kings.....	1	John Shanley.
	2	John McTernan.
	3	Lawrence J. Tormey.
	4	John M. Clancy.
	5	Thomas J. Sheridan.
	6	Patrick J. Tully.
	7	John Reitz.
	8	Moses Engle.
	9	Charles H. Russell.
	10	Richard J. Newman.
	11	William H. Waring.
	12	Jaques J. Stillwell.
Lewis.....	..	Charles A. Chickering.
Livingston.....	..	Kidder M. Scott.
Madison.....	..	David A. Jackson.
Monroe.....	1	George L. G. Seely.
	2	John Cowles.
	3	Frederick P. Root.
Montgomery.....	..	Cornelius Van Buren.
New York..	1	Michael C. Murphy.
	2	Constantine Donoho.
	3	Thomas Smith, Jr.
	4	John Henry McCarthy.
	5	Thomas Bogan.
	6	Matthew Patten.
	7	Isaac I. Hayes.
	8	John E. Brodsky.
	9	John W. Browning.
	10	Charles E. Brehm.
	11	Robert Ray Hamilton.
	12	Louis Cohen.
	13	Arthur D. Williams.
	14	John Murphy.
	15	Michael J. Dougherty.
	16	Francis B. Spinola.
	17	James Fanning.
	18	Joseph P. McDonough.
	19	William B. Finley.
	20	Frederick Thilemann, Jr.
	21	William J. Trimble.
	22	William S. Andrews.
	23	Charles W. Dayton.
	24	William W. Niles.
Niagara.....	1	Elijah Adams Holt.
	2	James Low.

County.	District.	Name.
Oneida.....	1	James Armstrong.
	2	David G. Evans.
	3	Thomas D. Roberts.
Onondaga.....	1	Thomas G. Alvord.
	2	Albert Howland.
	3	Henry L. Duguid.
Ontario.....	..	John Raines.
Orange.....	1	Joseph M. Dickey.
	2	William H. Clark.
Orleans.....	..	Marcus H. Phillips.
Oswego.....	1	Patrick W. Cullinan.
	2	William H. Steele.
Otsego.....	1	J. Stanley Browne.
	2	David Russell.
Putnam.....	..	Samuel H. Everett.
Queens.....	1	Townsend D. Cock.
	2	George E. Bulmer.
Rensselaer.....	1	Charles E. Patterson.
	2	Richard A. Derrick.
	3	Barnis C. Strait.
Richmond.....	..	Erastus Brooks.
Rockland.....	..	John Cleary.
St. Lawrence.....	1	Daniel Peck.
	2	Worth Chamberlain.
	3	Ebenezer S. Crapser.
Saratoga.....	1	Benjamin F. Baker.
	2	Delcour S. Potter.
Schenectady.....	..	George Lasher.
Schoharie.....	..	John J. Dominic.
Schuyler.....	..	Lewis Beach.
Seneca.....	..	Samuel R. Welles.
Steuben.....	1	Charles S. Longwell.
	2	Russell M. Tuttle.
Suffolk.....	..	Everett A. Carpenter.
Sullivan.....	..	Edward H. Pinney.
Tioga.....	..	Edward G. Nowlan.
Tompkins.....	..	Truman Boardman.
Ulster.....	1	George H. Sharpe.
	2	Marius Turck.
	3	Thomas E. Benedict.
Warren.....	..	Benjamin C. Butler.
Washington.....	1	Hiram Sisson.
	2	James E. Goodman.
Wayne.....	1	Rowland Robinson.
	2	Addison W. Gates.
Westchester.....	1	William F. Moller.
	2	William H. Catlin.
	3	James W. Husted.
Wyoming.....	..	George M. Palmer.
Yates.....	..	Asa P. Fitch.



STATE OF NEW YORK.

No. 2.

IN ASSEMBLY,

JANUARY 4, 1880.

GOVERNOR'S MESSAGE.

STATE OF NEW YORK :

EXECUTIVE CHAMBER,
ALBANY, January 4, 1881. }

To the Legislature :

As the representatives of the people, intrusted with the important duty of making laws for their government, you are cordially welcomed to the halls of legislation. The circumstances under which you meet are extremely auspicious. The exceptional prosperity which under the favor of Divine Providence has attended our people during the past year is a cause of especial congratulation. Never, perhaps, in the history of the State has a single year been so fruitful in beneficent results. Almost every material interest has prospered in a remarkable degree. Agriculture, commerce and the manufactures have alike enjoyed the advantages of renewed activity. Labor has been in ready demand, and has received increased reward ; while comfort and contentment have found abode in many hitherto cheerless homes.

The influences which have thus contributed to the individual well-being of our citizens have also been conducive to a favorable condition of public affairs. The peace and good order of the State have been preserved without interruption, while we have passed through a political contest of more than usual interest and excitement.

In entering upon the duties and responsibilities of a new year, it is proper that we should reverently acknowledge our obligations to the Supreme Being for the manifold blessings so generously bestowed upon

us in the past, and humbly invoke His continued protection and guidance.

FINANCES.

It is gratifying to be enabled to inform you that the financial condition of the State is eminently satisfactory. The revenues have been sufficient to meet all current liabilities, besides contributing \$600,000 to the Sinking Fund, and leaving the surplus on hand \$250,000 larger than at the close of the previous fiscal year. The following statement exhibits the transactions of the financial department for the past fiscal year, and the general condition of the State Treasury on the 30th of September, 1880 :

Receipts and Payments.

Aggregate balances in the Treasury of all the funds October 1, 1879.....	\$4,518,856 41
Aggregate receipts during the fiscal year ending September 30, 1880.....	11,885,570 93
	\$16,853,927 34
Deduct payments during the year.....	12,905,711 96
Balance in the Treasury Sept. 30, 1880.....	<u>\$3,448,215 38</u>
The amount of receipts into the Treasury on account of the General Fund revenue, during the year ending Sept. 30, 1880.....	
	\$5,859,566 20
The payments	6,290,418 91
Apparent deficiency Sept. 30, 1880.....	<u>\$480,852 71</u>

Supplementary Statement.

Balances due from county treasurers, Sept. 30, 1880, on State tax of 1879.....	\$222,606 92
Add amount paid on account of 1880 appropriations, included in tax levy, payable into the State Treasury in April and May, 1881, of which \$590,000 are for new Capitol.....	1,069,065 89
	\$1,291,672 81
Deduct apparent deficiency of the revenue, September 30, 1880, as shown in preceding statement.....	\$480,852 71
Also balances of 1879 appropriations unpaid and in force September 30, 1880.....	208,059 99
	688,912 70
Actual surplus September 30, 1880.....	<u>\$652,759 61</u>

Debt.

On the 30th September, 1879, the total funded debt was \$9,
122,054.87, classified as follows:

General Fund (representing Indian annuities).....	\$122,694 87
Canal.....	8,988,860 00
Bounty	11,000 00
	\$9,122,054 87

On the 30th September, 1880, the total funded debt was \$9,-
114,054.87, classified as follows:

General Fund (representing Indian annuities).....	\$122,694 87
Canal.....	8,988,860 00
Bounty.....	3,000 00
	\$9,114,054 87

The General Fund State debt is all paid, and the item of \$122,-694.87, included above, represents the amount required to yield, at the rate of six per cent, the sum necessary to pay the Indian annuities. The balance of \$3,000, Bounty Debt, for which funds are provided, had not been presented for redemption at the close of the fiscal year. A balance of \$2,051,480.17 in the Canal Sinking Fund leaves the amount of that debt, unprovided for, September, 30, 1880, at \$6,936,-879.83.

The State debt on the 30th September, 1879, after deducting

the unapplied balances of the Sinking Funds, amounted to,	\$7,659,426 89
On the 30th of September, 1880 (including \$122,694.87), to...	7,059,574 70
Showing net contribution to Sinking Fund of.....	
	\$599,851 60

The actual reduction of the debt during the same period by
cancellation being.....

\$8,000 00

TAXATION.

For the current fiscal year the tax levy is at the rate of $3\frac{1}{4}$ mills, which is expected to produce the sum of \$9,232,542.33, while that of the previous year, being at the rate of $2\frac{1}{1000}$ mills, produced \$7,690,-416.34. The increase in the tax levy for the current year became necessary to meet the appropriations of \$1,600,000 for the New Capitol.

The laws for the assessment of property as a basis for taxation have long been a cause of dissatisfaction to the people. In my first annual

message the necessity of a revision of these laws was presented, and the last Legislature devoted much attention to the subject; but, unfortunately, no adequate measure of relief was perfected.

A single fact will demonstrate the importance of this subject. In 1869 real estate contributed 78 per cent of the public revenue, and personal property paid 22 per cent; while in 1879 the real estate was made to pay 87 8-10 per cent, and personal property only 12 2-10 per cent of the whole tax. It would be difficult to show that the value of personal property has not increased to a larger extent in the past ten years than real estate. Indeed, it is claimed by persons well qualified to judge, that the value of personal property at the present time is quite equal to a fair valuation of the real estate.

Taxes should be fairly and impartially assessed, in order that the expenses of government be equitably apportioned among all citizens. It is a notorious fact that the present laws are so defective in their operation that a portion of the tax payers are permitted to escape their just proportion of the public charges, while onerous and unfair burdens are laid upon others.

The subject is one which directly affects the interests of all classes, and deserves prompt consideration. It is hoped that you will bestow upon it such attention as its importance demands, and that you may succeed in removing all cause of complaint.

Several measures were enacted by the last Legislature designed to create new sources of revenue by levying specific taxes upon corporations. These laws have not yet come into full effect, but they have already begun to make their contributions to the State Treasury. The receipts from these sources up to the close of the last fiscal year, September 30, amounted to \$141,127.03. The Comptroller estimates that when in entire operation a revenue of \$2,000,000 per annum may be expected.

Some amendments are required to perfect these laws and secure their complete enforcement. The Comptroller will present in his annual report the details of such changes as the experience of the finance department renders desirable.

CANALS.

The canals have shared the general prosperity, and carried a largely increased tonnage; greater than in any previous year, save only 1871 and 1872.

The revenues of the canals for the year ending September 30, 1880, were as follows:

Tolls	\$1,188,852 74
Rent of surplus water.....	2,177 08
Miscellaneous.....	14,604 81
Total	\$1,200,184 63
Total expenses for ordinary repairs, superintendence, and collection of tolls.....	889,015 84
Surplus revenues of the canals for the fiscal year ending Sept. 30, 1880	\$311,118 79

A comparison with the previous year shows the following results :

A gain in revenue of.....	\$278,881 82
Increase in expenses.....	137,241 02
Gain in net revenue.....	\$141,640 80

The amount necessary to meet the constitutional requirements in regard to the canal debt for the year is as follows :

For interest on canal debt.....	\$538,902 00
For the Sinking Fund.....	450,000 00
Total	\$988,902 00
Surplus revenues realized	311,118 79
Deficiency for year ending September 30, 1880.....	\$677,783 21
Add deficiency in tax 1879.....	24,807 46
Add for interest on these deficiencies until the same can be realized from taxes.....	56,207 25
Total amount to be supplied by tax.....	\$758,797 92

The canals were suddenly closed by ice in November, and more than one thousand boats were arrested in their passage. Of these seven hundred and forty-six were loaded with grain for tide water, containing, approximately, six millions of bushels.

The near completion of the enlargement of the Canadian canals renders the future of the Erie canal a subject of much concern, and well worthy of your intelligent consideration. If the enterprise of our neighbors in improved navigation is liable to place us at a disadvantage in competing for the carrying trade of the great West, it is high time that a remedy be sought to avert possible misfortune.

The State Engineer entertains the opinion that the capacity of the Erie canal can be largely increased at comparatively small cost by raising the banks, thus providing for an additional foot of water. He

will present the question in detail in his annual report, to which your careful attention is respectfully directed.

The condition of the abandoned canals has become detrimental to the health of the people residing near them, and is the cause of serious complaint. Numerous cases of malarial fever have occurred, many of which proved fatal. Some legislation is necessary to authorize an abatement of the evil.

PUBLIC EDUCATION.

The interests of public education made gratifying progress during the past year. The attendance at school was largely increased; more teachers were employed, and the character of instruction was especially improved; and all at relatively less expense than for the previous year. These are hopeful indications for the growth of intelligence and the welfare of society. The maintenance of a well-ordered system of education, free to all who desire to enjoy its advantages, must certainly prove of incalculable benefit to the future interests of the State.

The liberal education of the children who are to be the men and women of the next generation will, more than all else, insure the future greatness and continued pre-eminence of the Empire State. Public education is also a measure of public economy, for, as intelligence is the best antidote for vice and crime, the expenditures for education will lessen the demands for charity and correction.

The last Legislature enacted a law making women eligible to vote at school meetings, and to serve as school officers. In many localities women have already participated in school meetings, and in numerous instances they have been elected trustees. The measure has greatly increased the interest in school management, and must inure largely to the welfare of the schools. Some confusion exists in regard to the qualification of voters at school meetings, growing out of conflicting laws. This should be remedied by the enactment of a comprehensive act defining the rights of all participants in school matters.

The following statement, furnished by the Superintendent of Public Instruction, contains interesting statistical information in regard to the public schools:

Common School Statistics.

For the year ending September 30, 1880:

Total receipts, including balance on hand September 30, 1879,	\$11,390,888 16
Total expenditures	10,296,977 26
Amount paid for teachers' wages	7,638,921 88
Amount paid for school-houses, repairs, furniture, etc.	1,145,831.15
Estimated value of school-houses and sites	30,747,509 00

Number of school-houses	11,899
Number of school districts, exclusive of cities	11,263
Number of teachers employed for the legal term of school....	20,596
Number of teachers employed during any portion of the year.	30,730
Number of children attending public schools	1,031,593
Number of persons attending Normal schools	3,753
Number of children of school age in private schools.	108,567
Number of volumes in school district libraries	785,653
Number of persons in the State between the ages of five and twenty-one years	1,641,173

STATE PRISONS.

The experience of another year in the management of the State prisons has further vindicated the wisdom of the constitutional amendments in reference thereto. With the improved condition of the times the number of prisoners is gradually being reduced, as will be seen from the following comparative statement.

The average number of prisoners in the Clinton, Auburn and Sing Sing prisons for the last three years is as follows .

1878-9.	3,379
1879-80	3,062
1880-1.....	2,970

The earnings and expenditures of the several State prisons for the fiscal year ending September 30, 1880, were as follows:

Sing Sing.

Earnings	\$217,028 69	
Expenses	184,277 69	
Surplus.		\$32,751 00

Auburn.

Earnings	\$114,925 00	
Expenses	130,108 75	
Deficiency		\$15,183 75

Clinton.

Earnings	\$54,952 46	
Expenses	90,606 69	
Deficiency	35,654 23	50,837 98
Total deficiency		\$18,086 98

BANKS.

The Superintendent of the Bank Department reports that sixty-eight banks of discount and deposit were doing business under the laws of this State, on the 1st of October, 1880, at which date their condition was as follows:

Resources	\$99,850,755
Capital.....	18,738,200
Surplus profits.....	8,058,280
Due depositors.....	61,795,773
Other liabilities.....	11,258,502

During the year deposits increased \$9,536,184 ; profits, \$821,715 ; loans and discounts, \$12,328,180. The next aggregate increase in assets was \$13,157,573. Six banks closed during the year, four of which went into voluntary liquidation, one converted in a National bank, and one failed. One new banking association was formed during the year.

One hundred and twenty-eight savings banks reported July 1, 1880, eleven of which do not receive deposits and have only a nominal existence. Three went into voluntary liquidation, paying depositors in full.

The condition of the savings banks on the date named was as follows :

Resources	\$876,211,240
Due depositors	335,461,570
Surplus.....	40,548,454
Other liabilities.....	206,216
Number of depositors.....	912,863

The increase in the several items during the past year was as follows:

Resources	\$34,842,553
Deposits.....	30,769,230
Surplus	4,216,524
Number of depositors.....	85,011

The exceptionally large increase in deposits and number of new accounts is evidence not only of the increasing thrift and prosperity of our people, but of the complete restoration of public confidence in the management of these beneficent institutions.

Of trust, loan and mortgage companies, twelve institutions are in operation, having \$11,377,375 capital and \$96,713,717 of resources.

Also eight corporations for the safe-keeping and guarantee of personal property, with aggregate capital of \$1,876,900. .

INSURANCE.

Statistics furnished by the Insurance Department indicate that the condition of the several insurance companies doing business in this State has improved during the past year.

Of fire insurance companies one hundred and sixty-seven are now doing business in this State, as follows:

New York, 87; other States, 58; Foreign, 22; with total assets of \$143,248,869; liabilities, including capital stock, \$94,107,073; net surplus, \$49,146,966. The gross cash income of these companies for the year was \$60,548,160, and their gross cash expenditure \$58,822,513.

Of life insurance companies, organized under the laws of this State, there are twelve now conducting business, with aggregate assets of \$202,562,831; liabilities, \$169,675,366; surplus to policy-holders, \$32,887,465; and nineteen other State companies, with assets of \$198,952,961; liabilities, \$166,562,705; surplus, \$32,390,256. Eighteen marine insurance companies are doing business in this State (seven of which are organized under the laws of New York), with assets amounting to \$20,147,902, and a net surplus of \$3,565,707; and four casualty insurance companies, with assets amounting to \$1,800,000, and a net surplus of \$271,000.

In the tables adopted by the laws of this State for the purpose of calculating the reserves on life insurance policies, the rate of interest assumed is 4 1-2 per centum. In view of the present market value of 4 per cent Government bonds and the general tendency to a lower rate of income upon all first-class securities, it becomes an important question whether the law should not be so amended as to provide a calculation upon a rate not higher than 4 per centum, and thus increase the amount of reserve required to be held to meet maturing claims of life insurance companies.

NATIONAL GUARD.

The National Guard comprises six divisions, eleven brigades, twenty-one regiments, five battalions, and thirty-six separate companies of infantry, eight separate troops of cavalry, and ten separate batteries of artillery, making in the aggregate 18,102 officers and enlisted men.

In the belief that a considerable reduction of the force would prove beneficial, orders were issued during the past year for the disbandment of some of the weaker organizations; under which the following have

been disbanded: 7th Division ; 2d and 12th Brigades; 49th and 54th Regiments ; 15th Battalion, 2d and 8th Separate Companies of Infantry ; 3d Regiment and Troops H and K, Cavalry ; and Batteries H and C, Artillery.

In my opinion the National Guard needs still further reduction, and a more thorough organization of the remainder, which it is hoped will be accomplished by the bill, should it become a law, which the commissioners appointed pursuant to chapter 546 of the Laws of 1880, will in due time report to the Legislature.

THE NEW CAPITOL.

The work on the New Capitol building has, under the liberal appropriations of the last Legislature, made marked progress during the past season. Every effort has been made by the Commissioners to complete the apartments designed for the Senate and Executive Department, in anticipation of the meeting of the Legislature, as required by law ; but unforeseen obstacles have prevented the full realization of this object. These sections of the edifice are, however, well advanced, and it is confidently expected that they will be fully completed within a very few weeks.

The financial transactions of the Commissioners for the current year have been as follows :

There was on hand January 1, 1880, an unexpended balance of	
previous appropriation	\$78,169 62
Chapter 33, Laws of 1880.....	100,000 00
Chapter 188, Laws of 1880.....	1,500,000 00
	\$1,678,169 62
Expended during the year 1880.....	1,251,989 02
Balance on hand	\$426,180 60

Nearly if not quite all of this amount will be required to pay balances which will become due on contracts when completed, and other expenditures not yet reported.

A serious defect was recently discovered in the groined arch above the Assembly Chamber. A large stone in one of the ribs of the arch was found to have been fractured and completely severed. Notwithstanding a thorough investigation, the Superintendent has been unable to make any satisfactory explanation of the cause. The broken stone has been removed, and it is hoped that no further trouble will occur. It will be well, however, for the Legislature to satisfy itself of the present safety of that portion of the building.

CANAL APPRAISERS.

Although the canal system has long been completed, a large number of claims against the State for damages on account of the construction and use of the canals are still pending; and many new ones are annually presented. During the past year two hundred and twenty-five new claims were filed, amounting to \$428,820. One hundred and nine claims have been passed upon by the Canal Appraisers, in which \$811,384 were claimed as damages. There were allowed thereon \$32,805.22. At the close of the fiscal year eight hundred and eighteen claims were still pending. The amount awarded the past year is somewhat in excess of the year before, from the fact that a number of large claims of many years standing were finally disposed of. The amount of awards for the past five years was \$146,466 against \$1,364,191 for the preceding five years. This gratifying result is due to the constitutional and statutory safeguards which have been adopted, and a more thorough investigation of claims by the Appraisers.

RAILROAD TRANSPORTATION.

The last Legislature devoted a large part of its session to the consideration of measures designed to remedy certain evils in railroad management. The two Houses having failed to agree, the unsatisfactory condition of this important subject still continues, and should receive your thoughtful attention. Aside from public taxation, perhaps, no question so seriously touches the interests of the people at large. Every community and all branches of business are directly affected by it. Unjust discriminations in the rates of transportation cause embarrassment and unnatural competition. Favoritism for one interest results in hardship to another. Stability and uniformity in freight tariffs are necessary for the safe conduct of business. Not only should equality of service be rendered to all citizens, but as well to all communities. For like service all patrons should be placed upon an equal footing; and as far as practicable, general publicity should be given to freight tariffs.

In securing justice for the people it is not necessary that injustice be visited upon the railroads. These enterprises, that have so largely aided the growth and development of the State, are entitled to fair treatment. With the experience of the past as a guide it is to be hoped that your wisdom will be equal to the importance of this question, which should receive a complete and successful solution at your hands.

CHARITABLE INSTITUTIONS.

The munificent provision made for the care and maintenance of the unfortunate classes in this State may be to some extent appreciated from the following statement.

The property, real and personal, held for charitable purposes in this State may be set down in round numbers as follows :

By State institutions.....	\$6,900,000 00
By cities and counties.....	6,200,000 00
By incorporated associations.....	21,900,000 00
Total	\$35,000,000 00

The total expenditure during the past year for the support of the several charitable institutions, public and private, reached about eight millions of dollars. The average number of beneficiaries was approximately as follows :

In State institutions.....	4,800
In city and county institutions.....	15,700
In incorporated benevolent institutions.....	24,200
Total	44,700

The total number of insane persons in the several State and local asylums, poor-houses and private asylums for the years stated, was as follows :

October 1, 1880.....	9,548
October 1, 1879.....	9,015
October 1, 1878.....	8,771
October 1, 1877.....	7,921

The rapid increase of insanity is truly alarming, both as to the individuals affected and the necessary provision to be made for their care. The average annual increase of insane for the last four years has been four hundred persons. The Buffalo Asylum, which has been so far completed as to accommodate three hundred patients, cost about a million and a quarter of dollars, or more than four thousand dollars for each inmate. Such extraordinary expenditures for the care and treatment of the insane seem alike a profligate use of the public funds. Whatever future facilities may be required for this purpose should be provided upon a much more economical scale.

ELMIRA REFORMATORY.

The inmates of the Elmira Reformatory number about five hundred. The gross expenditure for maintenance during the past year was \$81,338, while the earnings amounted to \$62,657 ; leaving as the net expenditure of the State for maintenance, the sum of \$21,681. Only \$6,541 were expended on account of construction during the year. The industries which have been established in the Reformatory are as yet in process of development, hence have not reached the maximum of production. The managers are sanguine that the institution will speedily become self-sustaining. The employment of the inmates is on public account, and without the intervention of contractors ; which is considered essential to effect the reformatory influences contemplated. It is requisite, therefore, that capital be provided in some form, to furnish the materials necessary to conduct the business of the institution ; and this, in the opinion of the managers, should be at least \$100,000. The question of providing means to enable the managers of such an institution to conduct business for account of the State is a serious one, and should have deliberate consideration. If this policy is to be adopted, it is all important that the business shall be surrounded by such safeguards as will insure successful and advantageous results. The whole subject is commended to your careful and intelligent attention.

COUNTY JAILS AND POOR-HOUSES.

The condition of the county jails and poor-houses was referred to in my last annual message as urgently demanding the attention of the Legislature. Additional information confirms my views then expressed, and induces me to earnestly recommend your serious consideration of the subject. The report made to the Legislature in March last by the commission appointed to visit the jails and penitentiaries makes an intelligent and concise presentation of the existing abuses, and is well worthy of careful attention. The present condition of many of these institutions is a reproach to the fair fame of the State, and should be reformed without delay.

For several years the proposition to establish reformatories for women has been agitated with growing interest. It can hardly be doubted that such institutions, properly organized and conducted, would go far to remedy existing evils, and save the State from future burdens which, under present circumstances, are inevitable.

STATE BOARD OF HEALTH.

Pursuant to chapter 322 of the Laws of 1880, the State Board of Health was duly organized, and has made gratifying progress in pre-

paring for the important work before it. Human life is constantly exposed to dangers which intelligent observation should point out and guard against. Besides the needless exposure of human life, it often happens that villages and cities suffer largely in their commercial interests from the prevalence of contagious diseases. Trade is frequently diverted, to the serious detriment of a community, when reasonable precaution would have avoided such misfortune.

This new agency for protection has been established in response to the demands of an enlightened public sentiment; and great expectations of valuable results await its development. With the active co-operation of the local health authorities in furtherance of the suggestions and advice of the State Board of Health, it is believed that much good will be accomplished.

EMIGRATION.

The volume of emigration from Europe during the last year has been larger than in any year since 1854. As a rule, the persons landed have been of a character superior to those arriving in previous years; a much greater proportion being possessed of sufficient means to provide comfortably for themselves or their families.

The entire number of passengers landed at the port of New York from foreign countries, from January 1 to December 1, 1880, was 353,545. The number of those who came steerage or third class and entered at the State Emigrant Depot, Castle Garden, was 306,947; an increase of 180,676 over the previous year.

The number admitted during the above period to the State Emigrant Refuge and Hospital at Ward's Island, was 3,934; of which 581 remained in the institutions. Of these 339 are sick in hospital, 115 insane in the asylum, 85 crippled, and 42 children. The Castle Garden Labor Bureau found employment, during the year, for 37,942. In view of the extraordinary number of arrivals the past year, the Commissioners are apprehensive that the appropriation for the support of the institutions under their charge will be inadequate to meet the necessary expenses.

It is to be hoped that Congress will be convinced of the propriety of relieving the State of a portion, at least, of this demand.

QUARANTINE.

In view of the extraordinary number of emigrants and others arriving at the port of New York during the past year, constant vigilance was required to prevent the introduction of contagious diseases.

Nine hundred and sixty-eight vessels arrived from ports subject to yellow fever, and two hundred and ninety-one from ports actually infected. Of these, one hundred and thirty-seven vessels reported sickness at the port of departure or on the passage. Ninety-eight cases of fever were admitted to the Quarantine hospital during the season, of which twenty-seven were yellow fever. Of the latter number, ten died; and of all other cases seven proved fatal and eighty-one recovered. So far as is known no case of infectious or contagious disease has passed the Quarantine.

The Quarantine establishment has been visited during the past year by a number of eminent professional representatives of the Health Departments of other States and countries, who expressed their unqualified approval of its condition and management, and acknowledged the belief that the New York Quarantine was superior to any other.

HARBOR MASTERS AND PORT WARDENS.

By a decision of the Supreme Court of the United States, that portion of the laws of this State relating to Harbor Masters which authorizes them to collect fees as a remuneration for their services, is held to be unconstitutional. There is, therefore, no legal compensation provided for services which the law still requires to be performed. The status of the Port Warden has likewise been brought into question by decisions of the courts, and their jurisdiction and authority disputed.

If the important duties which the law imposes upon these officers are to be continued, it is obvious that some suitable provision should be made in regard to them.

EXCISE LAWS.

The interests of good government demand a thorough revision of the Excise laws. The opponents of the liquor traffic, as well as those engaged in the business, believe that a change from the present chaotic condition is desirable. The existing enactments are ambiguous and inefficient in their operation. Conflicting opinions of the courts have added to the confusion. In consequence thereof, the officers who should enforce the laws find themselves paralyzed. For three consecutive years the annual messages of the Governor have contained recommendations for an entire revision of these laws; and the subject is again presented in the earnest hope that it will receive your patient consideration and wise action.

LOTTERY LAWS.

The Constitution provides that no lottery shall be authorized, or the sale of lottery tickets allowed, within this State. Laws designed to enforce this constitutional mandate have been duly enacted, but have proved insufficient to accomplish the purpose. They have been openly and flagrantly violated; and millions of dollars have been annually extracted from the earnings of the poor. The victims of this iniquitous traffic are mainly of a class needing the protection of the strong arm of law, and it is to be regretted that more vigorous efforts are not made in their behalf.

With ample constitutional authority available to remove this scandalous evil, it is the duty of the Legislature to frame such laws as will be effective in accomplishing the desired object.

MUNICIPAL AFFAIRS.

Partial steps were taken by the Legislature last year to economize the local governments of New York and Brooklyn. These should be followed by vigorous action in the same direction until the expenses of those cities, still too high by many millions of dollars, are reduced to a reasonable limit. For many years the ingenuity of man has been employed to create new offices and increase the salaries of others. Duties have been divided, while the salaries have been doubled, thus quadrupling the burdens of tax payers. In many instances property has actually been confiscated under the onerous exactions of the tax levy. It is my deliberate opinion that if one-third of the officials of New York and Brooklyn were mustered out, and the duties properly distributed among those remaining, the public would be better served than at present. The adoption of adequate measures to correct these shameful abuses would secure for the Legislature the lasting gratitude of a long-suffering people.

DISABLED JUDGES.

Embarrassment frequently occurs in the conduct of the courts by reason of the physical disability of judges. A striking instance is now presented in the Superior Court of the city of New York. One of the judges of which court, having been for two years wholly incapacitated, is not likely again to resume official labors. The only present mode of relief is in removal by the Legislature in the cases of judges of the Court of Appeals and justices of the Supreme Court; and by the Senate on the recommendation of the Governor, in the cases of judges of other courts of record. This remedy, designed originally for cases of official or personal misconduct, would seem

unduly severe when applied to a faithful judge now prostrate from overwork, as the fact is understood to be in the particular case referred to.

It would manifestly accord more with the dictates of humanity, and be commended to popular approval, were special provision made for emergencies of this nature. A continuance of some reasonable portion of the salary of a judge thus removed for physical disability, during the balance of the term for which he was elected, would mitigate the severity of the proceeding to vacate the office.

IMPRISONMENT FOR DEBT.

It is the popular impression that imprisonment for debt was abolished in this State many years ago. Such undoubtedly was the intention when the laws to this end were enacted; but unfortunately, as many victims can testify, the object was not attained. The county jail in the city of New York is never free of prisoners detained for debt; and it is not uncommon to find from fifty to seventy-five debtors, so called, confined therein; some of whom have been kept there for years. Instances of imprisonment for claims as small as twenty dollars are not infrequent. Cruel hardship is constantly inflicted in this manner; and it is due the unfortunate subjects of such outrage that the laws regulating imprisonment on civil process be thoroughly revised, and all obnoxious features expunged.

LOCAL AND SPECIAL LEGISLATION.

One of the greatest hindrances to good legislation consists of the fact that the time and attention of members are too much occupied with the consideration of a multitude of insignificant local and private bills. These are pressed by special interests, and to a great extent interfere with measures of general import, and often to the prejudice of the public good. A specific constitutional amendment was recently adopted, designed to arrest the mischievous tendency in this direction; but, unfortunately, the capability of man to overcome difficulties renders this safeguard less valuable than its framers anticipated. It is unbecoming the dignity of the State to incur its code of laws with trivial enactments of the character mentioned; and unless the Legislature interpose to check this growing evil, it will become my duty to exercise more rigidly the authority vested in the Executive in such regard.

THE CONNECTICUT BOUNDARY LINE.

The long-standing controversy in regard to the boundary line between this State and Connecticut has finally been adjusted in accord-

ante with the terms agreed upon by the Commissioners appointed by the Legislatures of the two States. The necessary documents have been officially exchanged by the Executives, who have also united in a petition to Congress requesting the approval and confirmation of such settlement by the United States.

CONCLUSION.

The importance of the duties upon which you have this day entered may be realized in some measure, by reflecting that the five millions of population which the State now contains will have increased to ten millions in the next generation. Thus the laws which you enact will in near or remote degree affect a vast constituency.

The capital and enterprise of New York penetrate every portion of the Union, and exert a potent influence throughout the civilized world. Every other State is thus made tributary to her growth; and her metropolis is fast becoming a commercial center of the first magnitude. The past career of the State, grand as it is, will be eclipsed by her future development, if good government can be assured. Whatever you may do to lighten the public burdens will go far to promote this great end.

The honor and welfare of the State are thus committed to your care; its treasury placed in your keeping. You have taken a solemn oath to support the Constitution, and faithfully to discharge the duties involved to the best of your ability. May you be so enlightened and directed by Divine wisdom that this sacred obligation, with all it implies, will be fully discharged.

ALONZO B. CORNELL.

STATE OF NEW YORK.

No. 3.

IN ASSEMBLY,

JANUARY 5, 1881.

ANNUAL REPORT OF THE COMPTROLLER.

STATE OF NEW YORK:

COMPTROLLER'S OFFICE, }
ALBANY, *January 5, 1881.* }

To the Speaker of the Assembly:

SIR—I have the honor herewith to transmit to the Legislature my Annual Report, exhibiting the condition of the finances of this State at the close of the fiscal year ending September 30, 1880.

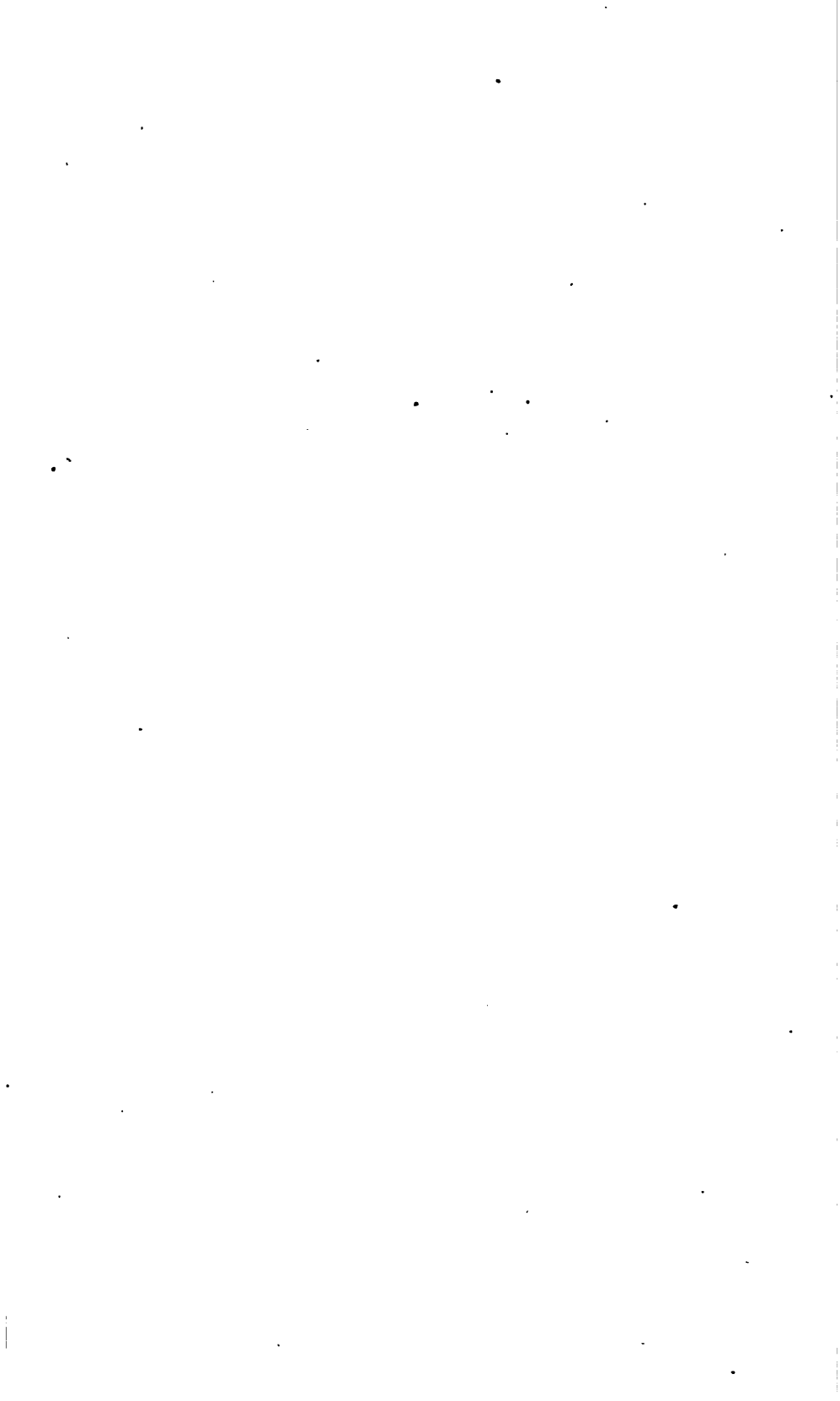
I am, respectfully;

Your obedient servant,

J. W. WADSWORTH,

Comptroller.

[Assem. Doc. No. 3.]



REPORT.

STATE OF NEW YORK:

COMPTROLLER'S OFFICE, }
ALBANY, December 31st, 1880. }

To the Legislature:

In obedience to law I present for your consideration the following report, covering the transactions of my department during the fiscal year ending with the 30th day of September, 1880.

I beg first to call your attention to the following statements which show the transactions in, and the exact condition of, the several trust funds belonging to the State, whose proper management and safe investment I look upon as one of the first and most important duties of the Comptroller:

COMMON SCHOOL FUND.

This fund consisted of the following items September 30th, 1880

United States 5 per cent registered bonds, redeemable in 1881	\$1,445,000 00
District of Columbia 3 65-100 per cent registered bonds (\$100,000)	99,500 00
One thousand shares of Manhattan Company stock, ...	50,000 00
Bonds for lands	180,188 50
Bonds for loans.....	54,511 03
Mortgages for loans under act of 1840, in charge of the Commissioners of the United States Deposit Fund, ...	45,951 00
Money in the treasury.....	1,376,135 01
	\$3,251,285 54

Showing an increase of \$25,000 over the previous fiscal year.

The following statements show the money transactions for the year:

Capital.

Receipts, viz.:

Balance in the treasury October 1st, 1879		\$2,392,561 00
Principal of bonds for lands	\$15,348 45	
Principal of bonds for loans	40,050 56	
Principal of loan of 1840	3,375 00	
Received from United States De- posit Fund	25,000 00	
		83,774 01
		\$2,476,335 01

Payments, viz.:

Invested in United States bonds . . .	\$1,000,000 00	
Invested in District of Columbia bonds	99,500 00	
Paid for bonds for land	700 00	
		1,100,200 00

Balance in the treasury September 30th, 1880 . \$1,376,135 01

Revenue.

Receipts, viz.:

Balance in the treasury October 1st, 1879		\$474 29
Interest on bonds for lands	\$11,451 47	
Interest on bonds for loans	10,851 46	
Interest on loan of 1840	3,081 53	
Interest on United States bonds . . .	22,250 00	
Interest on District of Columbia bonds	1,825 00	
Rent of land	174 00	
Dividends on stock of Manhattan Co.	3,500 00	
From revenue of United States De- posit Fund	165,000 00	
From General Fund for interest on money used by said fund	130,541 12	
		348,674 58
		\$349,148 87

Payments, viz.:

Dividends to common schools	\$245,400 00	
School commissioners, salaries	89,586 43	
Indian schools	4,969 41	
Premium on bonds purchased	25,000 00	
		364,955 84

Deficiency of the revenue, September 30th, 1880, \$15,806 97

LITERATURE FUND.

This fund consisted of the following items, September 30th, 1880:

United States 4½'s, registered bonds	\$102,600 00
United States 5's, registered bonds	35,000 00
Six per cent canal deficiency State stock, 1887.....	28,000 00
Six per cent canal deficiency State stock, 1891.....	102,000 00
One hundred shares Albany Insurance Co.'s stock .	4,000 00
Money in the treasury	380 76
	\$271,980 76

No change in the capital during the last fiscal year.

The following statements show the money transactions of the year:

Revenue.

Receipts, viz.:

Balance in the treasury October 1st, 1879	\$7,572 06
Interest on State stock	\$7,800 00
Interest on United States bonds....	6,367 00
Dividends on Insurance Co.'s stock,	550 00
Interest on money in treasury	9 51
From revenue of United States De-	
posit Fund.....	28,000 00
	42,726 51
	\$50,298 57

Payments, viz..

Dividends to academies.....	\$39,937 34	/
For books for academies.....	3,245 47	
		43,182 81
Balance in the treasury September 30th, 1880 .		\$7,115 76

UNITED STATES DEPOSIT FUND.

This fund consisted of the following items, September 30th, 1880.

Mortgages for loans in charge of the commissioners of the several counties, including amount invested in county bonds, in pursuance of chapter 553, Laws of 1864.....	\$3,052,666 85
Six per cent canal deficiency loan, redeemable 1891,	52,000 00
Five per cent United States Bonds, redeemable 1881,	721,000 00
Bonds of District of Columbia, 3 65-100 per cent, \$140,000; cost.....	137,306 00
Money in the treasury.....	51,553 86
	\$4,014,520 71

The following statements show the money transactions of the year :

Capital.

Receipts, viz.:

Balance in the treasury October 1st, 1879		\$57,381 89
Principal of loans paid in.....	\$154,004 64	
Transferred from the revenue of the Fund for Diminution of Loans under foreclosure of mortgages.....	27,467 33	
		181,471 97
		\$238,853 86

Payments, viz.:

For District of Columbia bonds, 3 65-100 per cent	\$137,300 00	
For United States 5 per cent registered bonds, 1881	50,000 00	
		187,300 00
Balance in the treasury September 30th, 1880.		\$51,553 86

Revenue.

Receipts, viz.:

Interest on United States bonds.....	\$33,550 00
Interest on State stock	3,120 00
Interest on loans on mortgage	205,258 96
Interest on bonds, District of Columbia	2,555 00
Sales of land	2,625 00
From Free School Fund, for deficiency.....	17,107 00
For interest on money in treasury	492 91
For bond for land transferred to Common School Fund.....	375. 00
	\$265,083 87

Payments, viz.:

Deficiency of the revenue, October 1st, 1879	\$63,505 25	
Academies for instruction of com- mon school teachers.....	27,832 00	
Academic examinations.....	1,987 06	
Damages and costs in suit against commissioners for Otsego county..	2,000 00	
Premiums on Bonds purchased....	1,250 00	
Carried forward.....	\$96,574 31	\$265,083 87

Brought forward.....	\$96,574 31	\$265,083 87
Transferred to capital of Common School Fund	25,000 00	
Transferred to Common School Fund revenue, for dividends to common schools, including salaries of school commissioners....	165,000 00	
Transferred to Literature Fund revenue, for instruction of common school teachers in academies, etc..	28,000 00	
Transferred to the capital of the Fund for Diminution of Loans under foreclosure of mortgage ...	27,467 33	
		342,041 64
Deficiency of the revenue September 30th, 1880...		\$76,957 77

MARINERS' FUND.

This fund consists of the following item:

Mortgage of the American Seamen's Friend Society, without interest (see Chapter 37, Laws of 1845, for relief of said society).....	\$10,000 00
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COLLEGE LAND SCRIP FUND.

Capital.

This fund consisted of the following items September 30th, 1880:

Six per cent canal deficiency loan, redeemable in 1891.....	\$28,600 00
Six per cent United States registered bonds, redeemable in 1881.....	250,000 00
Five per cent United States registered bonds, redeemable in 1881.....	64,000 00
Bond and mortgage of Gleason F. Lewis, 7 per cent, payable September 15th, 1880.....	12,000 00
Buffalo city bonds, 7 per cent, redeemable in 1916.	22,000 00
Buffalo city bonds, 7 per cent, redeemable in 1917.	15,000 00
Albany county bonds, 5 per cent, redeemable in 1896	43,000 00
District of Columbia bonds, 3 65-100 per cent, \$35,000; cost.....	33,993 75
Money in the treasury.....	4,809 12
	\$473,402 87

The following statements show the money transactions of the year:

Capital.

Receipts, viz.:

Balance in the treasury October 1st, 1879	\$43,602 87
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Payments, viz.:

For proportion of the Gleason F.

Lewis mortgage belonging to Cornell Endowment Fund.....	\$4,800 00
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District of Columbia bonds, \$35,000; cost.....	33,993 75
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38,793 75

Balance in the treasury September 30th, 1880....	<u>\$4,809 12</u>
--	-------------------

Revenue.

Receipts, viz.:

Interest on United States bonds....	\$18,200 00
Interest on State stock.....	1,716 00
Interest on Albany county bonds.....	2,150 00
Interest on Buffalo city bonds.....	2,590 00
Interest on District of Columbia bonds.....	638 75
Interest on G. F. Lewis mortgage.....	1,344 00
Interest on money in the treasury.....	786 05

\$27,424 80

Payments, viz.:

Deficiency of the revenue October

1st, 1879.....	\$3,779 32
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To Cornell University.....	23,600 00
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Accrued interest on proportion of G. F. Lewis mortgage when transferred.....	242 67
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27,621 99

Deficiency of the revenue September 30th, 1880..	<u>\$197 19</u>
--	-----------------

CORNELL ENDOWMENT FUND.

This fund consisted of the following items, when transferred to the Cornell University June 5th, 1880, in pursuance of chapter 317, Laws of 1880:

Albany county bonds, 5 per cent, redeemable in 1895,	\$44,000 00
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Carried forward	\$44,000 00
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Brought forward.....	
Six per cent canal deficiency loan, redeemable in 1883	\$44,000 00
Six per cent canal deficiency loan, redeemable in 1891	10,000 00
Buffalo city bonds, 7 per cent, redeemable in 1916..	22,700 00
Money in the treasury.....	19,000 00
	32,896 61
	<u>\$128,596 61</u>

The following statements show the money transactions to the date of transfer :

Capital.

Receipts, viz. :	
Balance in treasury October 1st, 1879.....	\$28,096 61
For proportion of the Gleason F. Lewis mortgage transferred to the College Land Scrip Fund.....	4,800 00
	<u>\$32,896 61</u>
Balance June 5th, 1880.....	

Revenue.

Receipts, viz. :	
Interest on Albany county bonds.....	\$1,100 00
Interest on Buffalo city bonds.....	665 00
Interest on Gleason F. Lewis mortgage.....	578 67
Interest on money in the treasury.....	490 92
Interest on State stock.....	981 00
	<u>\$3,815 59</u>
Add money of the capital in the treasury, as above,	32,896 61
	<u>\$36,712 20</u>

Payments, viz. :	
Deficiency of the revenue October 1st, 1879.....	\$1,126 39
To Cornell University January 6th, 1880.....	4,000 00
To Cornell University June 5th, 1880, when securities were transferred and fund closed.....	31,585 81
	<u>36,712 20</u>

BOUNTY DEBT SINKING FUND.

Balance in the treasury October 1st, 1879.....	\$11,204 60
Payments during the year.....	8,148 80
	<u>\$3,055 80</u>
Balance in the treasury September 30th, 1880.	

ELMIRA FEMALE COLLEGE EDUCATIONAL FUND.

This fund consisted of the following items September 30th, 1880 :

Oswego city bonds, 7 per cent, redeemable from 1881 to 1890.....	\$45,500 00
New York city bond, 7 per cent, redeemable in 1884,	4,500 00
	\$50,000 00

There was received during the year on account of revenue, \$3,500, and the same was paid to the Elmira Female College.

MILITARY RECORD FUND.

This fund consisted of the following items September 30th, 1880 :

Albany county bonds, 7 per cent, redeemable 1898 to 1900	\$30,000 00
Buffalo city bonds, 7 per cent, redeemable in 1916..	9,000 00
Money in the treasury.....	121 40
	\$39,121 40

Revenue.

Receipts, viz.:

Balance in the treasury October 1st, 1879	\$1,146 29
Interest on Albany city bonds.....	\$2,100 00
Interest on Buffalo city bonds.....	630 00
	2,730 00
	\$3,876 29

Payments, viz.:

Rent and expenses of Bureau of Military Statistics,	2,905 20
Balance in the treasury September 30th, 1880.	\$971 09

It will be noticed that there is a deficiency in the revenue of several of the funds. In the Common School Fund it is caused by charging the revenue with the premium paid on United States bonds purchased for investment. The deficiency in the revenue of the United States Deposit Fund is owing to: 1. Whilst the interest on the fund has been reduced by the Legislature to six per centum, the appropriations against its income have not been lowered, being the same as when the interest was seven per centum. 2. By law, the revenue is first used to make good any loss in the capital, and owing to general bad management the amount of revenue annually transferred to capital is large. My predecessors for the last ten or twelve years have called the attention of the Legislature to the mismanagement of this fund, and to the inability of the Comptroller to remedy the evil

without the aid of the Legislature. The fund, as is well known, is loaned out to individuals, the security being mortgages on real estate, in the several counties, by commissioners who in a great number of cases neglect properly to perform their duties, and the result is a continual and steady loss. Comptroller Hopkins, in his report to the Legislature in 1874, very aptly remarked, that "all losses of the fund must be made up by taxation imposed upon the taxable inhabitants of the State, thus compelling the tax payers to pay the debts of individuals who neglect or refuse to pay their own debts." I renew the recommendation so often made by my predecessors, that an act be passed compelling the return to the State treasury of the capital of the fund, as fast as paid in to the commissioners. The fund in this manner could be gradually secured and safely invested, without causing the slightest hardship or inconvenience to the borrowers, and a time, like the present, when money is so plenty and so cheap, could not be better chosen to begin the work. One other matter I desire to call your attention to in connection with the Trust Funds is the low rate of interest now only obtainable in safe and legal investments. There is in the capital of the several funds \$1,465,000 of United States bonds which mature in 1881. It will be impossible to properly reinvest this sum, except at a very low rate of interest. The revenue derived is not likely, therefore, in the future, to be sufficient for the purposes for which it was intended and the deficiency will have to be met by direct taxation.

RECEIPTS AND PAYMENTS.

Aggregate balance in the treasury of all the funds	
October 1st, 1879	\$4,518,356 41
Aggregate receipts during the fiscal year, ending	
September 30th, 1880	11,835,570 93
	\$16,353,927 34
Deduct payments during the year.....	12,905,711 96
Balance in the treasury September 30th, 1880 .	<u>\$3,448,215 38</u>

GENERAL FUND REVENUE.

The following condensed statement gives the revenues and expenditures for the last fiscal year, showing an apparent deficiency of \$430,-852.71 on the 30th September, 1880:

Apparent deficiency October 1st, 1879	\$89,569 20
Amount of warrants drawn on the treasury during the fiscal year ending September 30th, 1880 (see Schedule II)	6,069,806 17
Carried forward.....	<u>\$6,159,368 37</u>

Brought forward.....	\$6,159,368 37	
Amount transferred to the following funds for interest on money in the treasury during the year, belonging to said funds, viz.:		
Common School Fund.....	\$130,541 12	
United States Deposit Fund.....	492 91	
Literature Fund.....	9 51	
		<u>131,043 54</u>
		\$6,290,418 91
Amount of receipts into the treasury during the year ending September 30th, 1880 (see Schedule I),	\$5,859,241 20	
Amount transferred from Common School Fund for bonds for lands,	325 00	
		<u>5,859,566 20</u>
Apparent deficiency September 30th, 1880....	\$430,852 71	

The foregoing statement presents the account of the General Fund revenue as it is recorded on the books in this office, but owing to balances due from county treasurers at the close of the fiscal year, and payments on account of appropriations of 1880, included in the tax payable in 1881, the apparent deficiency of \$430,852.71, does not represent the true state of the fund at the date indicated. The following supplementary statement gives the correct result and shows a surplus of \$652,759.61 :

SUPPLEMENTARY STATEMENT.

Balances due from county treasurers September 30th, 1880, on State tax of 1879.....	\$222,606 92	
Add amount paid on account of 1880 appropriations included in tax levy payable into the State treasury in April and May, 1881 (of which \$590,000 was for New Capitol).....	1,069,065 39	
		<u>\$1,291,672 31</u>
Deduct apparent deficiency of the revenue September 30th, 1880, as shown in preceding statement.	\$430,852 71	
Also balances of 1879 appropriations unpaid and in force September 30th, 1880	208,059 99	638,912 70
		<u>638,912 70</u>
Actual surplus September 30th, 1880.....	\$652,759 61	

My predecessor, in his last annual report, estimated the surplus at \$281,430.66. The result is, therefore, \$371,328.95 in excess of the estimate, besides \$100,000 appropriated for New Capitol, per chapter 33, Laws of 1880, from the "surplus," and hence not included in the tax levy payable during the current fiscal year. The difference between the estimate and the actual result is made up in part of the receipt of \$141,127.03 for taxes on corporations, and \$61,858.95 received from the United States on war claim accounts. The remainder is accounted for by balances of appropriations covered into the treasury by the lapse of time and various miscellaneous receipts in excess of the estimate.

DEBT.

On the 30th of September, 1879, the total funded debt was \$9,122,054.87, classified as follows:

General Fund.....	\$122,694 87
Canal	8,988,360 00
Bounty	11,000 00
	\$9,122,054 87

On the 30th of September, 1880, the total funded debt was \$9,114,054.87, classified as follows:

General Fund.....	\$122,694 87
Canal	8,988,360 00
Bounty	3,000 00
	\$9,114,054 87

The actual reduction of the debt during the year by cancellation being \$8,000.

The general fund State debt is all paid, and the item of \$122,694.87, included above, represents the amount required to yield, at the rate of six per cent, the sum necessary to pay the Indian annuities. The balance of \$3,000 bounty debt for which funds are provided had not been presented for redemption at the close of the fiscal year.

The canal debt consists of the following stocks issued by the State for the purpose indicated:

(Under article 7, section 1, of the Constitution.)

Stock not bearing interest.....	\$6,160 00
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Redeemable as follows, viz.:

Six per cent July 1st, 1837.....	\$160 00
Carried forward.....	\$160 00

Brought forward.....	\$160 00	
Five per cent January 1st, 1874...	6,000 00	
		<u>\$6,160 00</u>

Total canal debt, under article 7, section 1 of the Constitution.....	<u>\$6,160 00</u>
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(Under article 7, section 3, of the Constitution.)

For the Enlargement of the Erie, the Oswego, etc., viz. :

Stock not bearing interest.....	\$500 00
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For payment of Canal Revenue certificates :

Six per cent July 1st, 1873.....	\$500 00	
		<u>8,981,700 00</u>

Redeemable as follows, viz. :

Six per cent January 1st, 1883	\$643,200 00
Six per cent July 1st, 1887.....	1,562,900 00
Six per cent July 1st, 1891.....	4,302,600 00
Six per cent October 1st, 1892	2,000,000 00
Six per cent October 1st, 1893	473,000 00
	<u>\$8,981,700 00</u>

Total canal debt, under section 3.....	\$8,982,200 00
Of which there pays no interest.....	500 00

Total canal debt, under section 3, paying interest,	<u>\$8,981,700 00</u>
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The aggregate of the canal debt on the 30th of September, 1879, was \$8,988,360, with an aggregate unapplied balance in the Sinking Fund of \$1,451,628.48, leaving the real balance unprovided for, \$7,536,731.52.

On the 30th of September, 1880, the account stood as follows:

Aggregate debt.....	\$8,988,360 00
Aggregate of Sinking Fund.....	2,051,480 17
	<u>\$6,936,879 83</u>

Showing net contribution to the Canal Sinking Funds during the year of \$599,851.69.

The actual canal debt is, therefore, \$6,936,879.17, a small amount for the great State of New York to owe, but large enough when added to the \$244,000,000 of local indebtedness of the several cities,

towns and counties. The interest and principal of this indebtedness must be provided for by direct taxation upon the localities, and in some cases the burden is very heavy. In making its appropriations for State purposes the Legislature should not be unmindful of this immense local indebtedness.

EXPENDITURES FOR EDUCATIONAL PURPOSES.

The expenditures from the public treasury during the last fiscal year for these purposes were \$3,380,578.61, of which \$2,917,147.10 were the proceeds of a direct tax of one and eighty-six-one-thousandths mills for common schools.

The purposes and amounts of the several State appropriations and payments are as follows:

Academies, for dividends.....	\$43,182 81
Academies, for instruction of common school teachers.....	27,832 00
Common school dividends.....	245,400 00
Cornell University.....	27,600 00
Indian schools.....	4,969 41
Normal schools.....	21,360 86
School commissioners' salaries.....	89,586 43
School tax, one and eighty-six-one-thousandths mills, ...	2,917,147 10
Elmira Female College.....	3,500 00
	\$3,380,578 61

The expenditures for the same period by the State for the support of asylums and hospitals for the deaf, blind, insane, idiotic, juvenile delinquents, State Reformatory and State Soldiers and Sailors' Home were \$611,497.16.

The following is a schedule of the institutions in aid, or for the support of which payments have been made from the treasury, with the amounts paid for each:

Deaf and dumb.....	\$146,725 20
Blind.....	73,948 49
Insane.....	89,156 81
Idiots.....	60,000 00
Juvenile delinquents and House of Refuge.	126,666 66
State Reformatory	45,000 00
State Soldiers and Sailors' Home.....	70,000 00
	\$611,497 16

These amounts do not include the sums appropriated during the year for building purposes. This class of expenditure will appear in another part of this report.

PATIENTS IN ASYLUMS.

The following were the number of patients in the several asylums at the close of the fiscal years ending September 30th, 1875, 1876, 1877, 1878, 1879 and 1880:

	1875.	1876.	1877.	1878.	1879.	1880.
Utica.....	608	561	578	606	620	614
Willard.....	984	1,175	1,270	1,387	1,502	1,628
Poughkeepsie	200	191	235	239	254	251
Middletown	80	83	115	150	164	180
Totals	<u>1,872</u>	<u>2,010</u>	<u>2,198</u>	<u>2,382</u>	<u>2,540</u>	<u>2,673</u>

During the summer I have visited every State institution and every State Insane asylum, with one exception. With my very short experience in the financial management of such institutions, it would be folly for me to express a decided opinion, either in praise or condemnation of their present management in this particular. Their books were willingly shown me and were kept in an accurate and systematic manner, showing every item of expense. Though there may be petty expenditures that might be cut off, I do not believe there is extravagance. The buildings of the several institutions were well cared for and of a durable character, but in one or two cases constructed with a lavishness altogether useless. In its provisions for the housing of the insane the State has been most liberal, and with the completion of either the Binghamton or the Buffalo asylum, may well halt in this line of expenditure. The Legislature must bear in mind that many counties are providing for their own chronic insane, by the erection of proper buildings, which by law must be approved of by the State Board of Charities, and there is, therefore, no danger of the construction of unsuitable or badly ventilated tenements. If the counties have farms attached to these institutions, upon which they can utilize the labor of their chronic insane, they can undoubtedly maintain them at a weekly cost not in excess of the amount paid by them to the State institutions, and the "herding" together of large numbers of this unfortunate class will be avoided, and their labor more advantageously employed.

It is not within my province to speak of the treatment of the insane, but I cannot refrain from saying that in all the asylums which I visited, I found the patients comfortably clothed, in appearance well fed and their sleeping-rooms and wards, in the main, well ventilated.

I saw patients in restraint, but I saw none in cruel restraint, nor do I believe, judging from the men who are at present at the head of our State asylums, that cruelty or neglect in any form is either allowed or practiced.

STATE PRISONS.

The following tables show the payments for all purposes on account of the prisons for the last two fiscal years, and the receipts therefrom for the same period :

For the fiscal year ending September 30th, 1879.

	PAYMENTS.			Receipts.	Excess of payments.
	Maintenance.	Construction and extraordinary repairs.	Total.		
Auburn.....	\$125,792 94	\$16,000 00	\$141,792 94	\$198,600 85	\$13,192 09
Clinton.....	104,183 39	*135,706 30	239,889 69	+51,223 56	188,666 13
Sing Sing.....	187,257 83	87,853 28	225,111 11	226,837 54	+1,726*43
Supt. of Prisons, salary and expenses .....	.....	.....	7,517 15	.....	7,517 15
Agent for discharged convicts, salary and expenses.....	.....	.....	7,288 83	.....	7,288 83
For religious instruction of convicts .....	.....	.....	1,000 00	.....	1,000 00
Transportation of convicts.....	.....	.....	13,548 84	.....	13,548 84
	\$417,234 16	\$199,559 58	\$636,148 06	\$406,081 95	\$229,486 11

* Includes \$126,406.50 on account of railroad.

+ Includes \$4,460.81 railroad receipts.

‡ Surplus.

For the fiscal year ending September 30th, 1880.

	PAYMENTS.			Receipts.	Excess of payments.
	Maintenance.	Construction and extraordinary repairs.	Total.		
Auburn.....	\$130,181 82	\$16,452 00	\$146,633 82	\$116,205 20	\$30,458 62
Clinton.....	90,782 51	*132,612 54	223,395 05	+54,855 98	168,539 09
Sing Sing.....	180,398 61	47,555 26	236,953 87	217,105 94	19,847 93
Supt. of Prisons, salary and expenses .....	.....	.....	7,589 84	.....	7,589 84
Agent for discharged convicts, salary and expenses.....	.....	.....	7,500 00	.....	7,500 00
Transportation of convicts .....	.....	.....	12,439 39	.....	12,439 39
	\$410,362 94	\$196,649 80	\$607,012 74	\$388,167 10	\$246,374 37

* Construction of Clinton prison enlargement.

+ Includes \$315.10 railroad receipts.

It will be seen that the excess of payments during the fiscal year ending September 30th, 1880, amounts to \$246,374.37, or \$16,888.26 more than for the preceding fiscal year. This is caused entirely by the burning of shops at Auburn and Sing Sing, which had to be rebuilt.

CONVICTS IN STATE PRISONS.

The number of convicts in each of the prisons September 30th, 1874, 1875, 1876, 1877, 1878, 1879 and 1880, was as follows:

	1874.	1875.	1876.	1877.	1878.	1879.	1880.
Auburn	1,202	1,312	1,281	1,388	1,193	1,103	896
Clinton.....	552	553	623	566	649	472	522
Sing Sing.....	1,306	1,616	1,605	1,613	1,636	1,596	1,518
Totals	<u>3,060</u>	<u>3,481</u>	<u>3,509</u>	<u>3,567</u>	<u>3,478</u>	<u>3,171</u>	<u>2,936</u>

There are, at present, 450 vacant cells at Auburn, and with the completion of the Clinton prison enlargement, within a few weeks, there will be in the neighborhood of 1,100 vacant cells.

A large number of felons are now confined in the different penitentiaries, and there maintained at a cost to the State of over \$30,000 per annum. If these could be transferred to the prisons their labor would make the prison system almost self-sustaining. I urge upon the Legislature the passage of an act providing, either for their transfer, or that in the future they shall be sentenced to the prisons.

NEW CAPITOL.

There was paid from the treasury for the construction, etc., of the New Capitol during the fiscal year ending September 30th, 1880, as follows, viz.:

Advances to commissioners.....	\$1,000,000 00
For liabilities incurred.....	7,763 56
For expense of care and maintenance.....	27,315 00
Interest on award for lands.....	600 00
	<u>\$1,035,678 56</u>

There has been advanced to the commissioners since the 1st of October, 1880, \$300,000; and \$7,143.30 has been paid for interest on award for lands, and care and maintenance, making the total amount paid from the State treasury, including the purchase of lands, \$11,439,673.76 (to December 9). Of existing appropriations there remains \$510,000 subject to the draft of the commissioners.

AUCTION DUTIES.

The receipts from auction duties for the past fiscal year, as compared with those of the previous year, were as follows:

Year ending September 30th, 1879.....	\$38,407 51
Year ending September 30th, 1880.....	32,997 97
Decrease.....	<u>\$5,409 54</u>

The following statement shows the amount received from auction duties for ten years, viz.:

1871.....	\$100,196 68
1872.....	79,069 96
1873.....	76,499 37
1874.....	69,756 59
1875.....	70,432 05
1876.....	75,788 00
1877.....	64,294 36
1878.....	49,673 29
1879.....	38,407 51
1880.....	<u>32,997 97</u>

SALT DUTIES.

The report of the superintendent of the Onondaga Salt Springs shows the following receipts and expenditures for the fiscal year, viz.:

Receipts:	
From duty on salt manufactured.....	\$84,815 05
From rents, penalties and sales.....	294 70
	<u>\$85,109 75</u>
Expenditures.....	84,924 40
Net revenue.....	<u>\$185 35</u>

The number of bushels of salt inspected the last year was 8,481,473 against 7,934,854 the preceding year. The estimate of expenses for the ensuing year is \$65,000.

The net revenue derived from salt duties is only \$185.35, a sum much smaller than is ordinarily received from this source. But the expenditures for the year, owing to the erection of steam pumps and the extravagance of the present superintendent's predecessor, were largely in excess of former years.

RECEIPTS AND EXPENDITURES.

The receipts into and payments from the treasury, on account of all the funds, except the Canal and Free School Fund, for the fiscal year ending September 30th, 1880, were as follows:

Receipts, including balances.....	\$9,048,918 27
Payments.....	8,128,590 11
Balance in the treasury September 30th, 1880 .	<u>\$920,328 16</u>

The receipts and payments on account of the General Fund revenue for the fiscal year ending September 30th, 1881, are estimated as follows:

Estimated receipts.....	\$6,885,185 59
Estimated payments	5,118,672 40
Estimated surplus September 30th, 1881.....	<u>\$1,766,513 19</u>

All estimated payments are based on appropriations now in force, and any that may be made by the present Legislature are not taken into account.

The details of these estimates will be found in Schedule III.

STATE OF THE TREASURY.

Balance in the treasury October 1st, 1879.....	\$2,384,561 61
Amount received into the treasury on account of the several funds, except the Canal and Free School Funds, during the year ending September 30th, 1880 (see Schedule I).....	6,664,356 66
Amount of warrants drawn on the treasury remaining unpaid September 30th, 1880.....	805 78
	<u>\$9,049,724 05</u>
Amount of warrants drawn on the treasury, on account of the several funds, during the year ending September 30th, 1880 (see Schedule II).....	\$8,128,590 11
Amount of warrants drawn on the treasury remaining unpaid September 30th, 1879.....	805 78
	<u>8,129,395 89</u>
Balance in the treasury September 30th, 1880..	<u>\$920,328 16</u>

The balances due from and to the treasury September 30th, 1880, were as given in the following statement :

From the General Fund revenue, deficiency	\$430,852 71
From United States Deposit Fund revenue, deficiency	76,957 77
From College Land Scrip Fund revenue, deficiency,	197 19
From Common School Fund revenue, deficiency ...	15,806 97
From the Treasurer, for balance in the treasury ...	920,328 16
	\$1,444,142 80

To the School Fund, viz.:

Capital	\$1,376,135 01
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To the Literature Fund, viz.:

Capital	\$380 76
Revenue	7,115 76
	7,496 52

To the United States Deposit Fund, viz.:

Capital	51,553 86
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To the College Land Scrip Fund, viz.:

Capital	4,809 12
---------------	----------

To the Bounty Debt Sinking Fund,	3,055 80
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To the Military Record Fund, viz.:

Capital	\$121 40
Revenue	971 09
	1,092 49

1,444,142 80

TAXATION.

The following table shows the assessed valuation of the real and personal property, the rate of taxation for State purposes, and the amount of the tax of each year from 1859 to 1880, both inclusive, 1859 being the year in which the State Board of Equalization was organized and began its labors :

YEAR.	Real estate.	Personal.	Aggregate equalized valuation.	Rate of State tax in mills on each dollar of valuation.	State tax levied including school tax.
1859.....	\$1,097,564,524	\$307,349,155	\$1,404,913,679	2 1-2	\$3,512,284 26
1860.....			1,419,297,520	3 5-6	5,440,640 43
1861.....			1,441,767,430	3 7-8	5,586,848 79
1862.....			1,449,303,948	4 2-4	6,884,193 75
1863.....			1,454,454,317	5	7,272,274 08
1864.....	1,161,750,000	339,249,871	1,500,999,877	5 1-4	7,880,249 35
1865.....	1,158,327,371	392,552,314	1,550,879,685	4 53-80	7,230,976 53
1866.....	1,196,409,416	334,826,220	1,531,229,636	5 9-16	8,517,464 85
1867.....	1,237,703,092	436,404,633	1,664,107,725	7 3-5	12,647,218 71
1868.....	1,327,403,886	438,685,254	1,766,089,140	5 4-5	10,243,317 01
1869.....	1,418,132,855	441,987,915	1,860,120,770	5 5-8	10,463,179 33
1870.....	1,532,720,907	434,280,278	1,967,001,185	7 41-156	14,285,976 55
1871.....	1,599,930,166	452,607,732	2,052,537,898	5 79-120	11,613,943 61
1872.....	1,644,379,410	447,248,035	2,088,627,445	9 3-8	19,580,882 30
1873.....	1,692,523,071	437,102,315	2,129,626,386	6 95-100	14,800,903 38
1874.....	1,750,698,918	418,608,955	2,169,307,873	7 1-4	15,727,482 08
1875.....	1,960,352,703	407,427,399	2,367,780,102	6	14,206,680 61
1876.....	2,108,325,872	357,441,401	2,466,267,273	3 11-24	8,529,174 39
1877.....	2,376,252,178	379,488,140	2,755,740,318	3 1-6	8,726,511 01
1878.....	2,373,415,490	364,960,110	2,738,375,600	2 9-10	7,941,297 94
1879.....	2,333,669,812	352,469,320	2,686,139,133	2 863-1000	7,690,416 34
1880.....	2,315,400,526	322,468,712	2,637,869,238	3 1-2	9,232,542 33

The gross valuation of taxable property in 1870 was, \$1,967,001,185

The gross valuation in 1880 was 2,637,869,235

Increase in ten years \$670,868,050

Decrease of valuation of 1880, compared with 1879, \$48,269,895

The State tax for the current fiscal year is $3\frac{1}{2}$ mills, for the following purposes:

For schools, $1\frac{8}{1000}$ mills, per chapter 515, Laws of 1880.

For general purposes, $1\frac{47}{1000}$ mills, per chapter 515, Laws of 1880.

For new capital, $\frac{1}{10}$ mill, per chapter 515, Laws of 1880.

For canals, $\frac{3}{1000}$ mill, per chapter 248, Laws of 1880.

Total..... $3\frac{1}{2}$ mills.

The above tax of $3\frac{1}{2}$ mills, on the present valuation, will yield \$9,232,542.33.

THE NEW TAX LAW.

The Legislature of 1880 inaugurated a system of taxing the corporate property of the State, which I believe will lead to the long-needed remodeling of our present tax laws. It is, in part, somewhat in

imitation of the system now in vogue in Pennsylvania, but as will always be the case when part of a complete system is adopted, the result is not entirely satisfactory. As a member of the ways and means committee in the winter of 1879, I made inquiry into the practical working of the law taxing corporations now in force in Pennsylvania, where the entire State revenue is raised by a tax on corporations, copartnerships, etc.—relieving them from local assessment, and at the same time relieving the localities from all taxation for State purposes. I became convinced that such a law would not only work admirably in this State, but would eliminate from our tax problem one great difficulty, *i. e.*, the taxation of corporations—leaving the taxation of real estate, and the personal property of individuals, to be taken up next by the Legislature. But the system was entirely new to most of the members, and was considered too radical a change, and the winter passed in vain attempts to patch up the old laws. I realize that the change would be a radical one, and would upset laws that have been in existence for years, but they are laws that we have outgrown, and which should be replaced by ones more applicable to our present condition and wants. I realize, also, that it is a change which would require the most careful thought to put into operation without doing injustice to the vast and varied interests of the State. But it can be done, and I firmly believe it should be done. We need not grope entirely in the dark, for we can profit by the experience of a sister State; and start, not where she began, but where eight years of experience has placed her. If the Legislature should deem it best, and I trust it will, to introduce into this State the system now in existence in Pennsylvania, the preparation of the act to accomplish that end should be left to the care of a commission of not more than two, for the detail of the work will have to be most carefully attended to, and will require more labor and more thought than either the members of the Assembly or of the Senate can properly spare from their other duties.

The act (chap. 542) passed by the Legislature of 1880 made it the duty of the Comptroller to levy and collect, for the use of the State, a certain tax from certain corporations “incorporated under the laws of this State, or incorporated under the laws of any other State or Country, and doing business in this State.” The greatest difficulty encountered in the proper enforcement of this law, outside of the legal questions involved, was the impossible task of getting a correct list of the corporations subject to its provisions. The act itself did not provide any means by which the Comptroller could secure such a list, and the department has had to find them out as best it could. It may become necessary, in order to get a complete list, to employ agents temporarily to canvass the State, in which case a small appropriation will be necessary to provide for their expenses and compensation.

This mode was the one employed in the State of Pennsylvania, and was the only one found efficient. There are now on the books of the department the names of six hundred and forty-three corporations, I venture to say not one-half of the number properly taxable under the act. To the large majority of this number the department, though not required to, by any provision of the law, sent blank forms on which to furnish the information required, and in many cases, it was not until the receipt of these blank forms that a knowledge, even of the existence of the law, was conceded. The amount of tax collected up to October 1st, 1880, is \$141,127.03 which has all been paid in under the provisions of sections 5, 6 and 7, and a large proportion of this sum has been paid under protest, awaiting the result of certain suits, which are now pending. The amount collected does not, therefore, by any means, represent the proportionate sum that will eventually be received under the provisions of these sections, which impose a tax upon the gross premiums of insurance companies, and upon the gross earnings of certain transportation and telegraph companies. The receipts from the tax imposed by all the sections of the law, when all the corporations subject to its provisions are reached, and when the decisions of the Court of Appeals have made its meaning indisputable, are estimated at \$2,000,000 annually. Should the adoption of the system recommended above be deemed inadvisable, the following changes and amendments to the law have suggested themselves during the short experience in the attempt to properly enforce it.

SECTION 1. In the case of an appeal from the appraisement by the Comptroller of the capital stock, that such appeal be to the State Board of Assessors instead of to the State Board of Equalization. The latter board is much too large and too difficult of access, and the Comptroller is a member of it, and should not sit as judge of his own work.

§ 2 provides "that in the case of a corporation failing, intentionally, to comply with the provisions of section 1 for two years, that fact shall be reported to the Governor," etc., etc. I recommend that the time — two years — be reduced to one year. It certainly seems that intentional disregard of the law of the State for the period of one year is sufficient for the infliction of the penalties provided.

§ 3. Under certain exemptions provided for in this section are included "manufacturing corporations, carrying on manufacture within this State." There has been some difficulty in determining what were manufacturing corporations, within the intent of the law. For instance, gas companies and printing companies claim to be manufacturing companies. I hardly believe that this was the intent, and, therefore, urge that the language of the section be so altered as to make perfectly clear what corporations are to be exempt.

The section is inconsistent with section 1 in that it requires report of the dividends declared "during any year ending with the first Monday in November;" while in section 1 it reads with the *first* of November. This section should be amended so as to read "year ending with the first of November." From the tax imposed under this section, corporations have claimed exemption to the extent that their capital is invested in United States bonds. The intent was undoubtedly that the tax imposed was one upon the business or franchise of corporations, and not upon their property. But the language of the statute is not perfectly clear upon this point, and should be made so.

§ 6 provides, that, "in arriving at the gross earnings of any express, palace-car or sleeping-car company or freight line there shall be first deducted the expense paid to any common carrier for transportation upon such business within this State. Nothing in this section shall be held to apply to any street surface railroad company." The above, in my opinion, should all be stricken from the bill. It is a discrimination in favor of the companies named without any good reason therefor.

§ 7 requires the proper officers of corporations to transmit to the Comptroller a statement of the "gross receipts" of said corporations, while section 6 provides for a tax on "gross earnings." It should read *gross earnings* to make it consistent with section 6.

The language as to what six months the report of gross earnings should cover is also ambiguous and uncertain. If the tax is to be collected semi-annually it should be amended so as to read as follows: " * * * * * during the six months ending the preceding first days of July and January."

But I would recommend that this section be amended so as to make the tax payable *annually* on the first of August, on the gross earnings for the year ending the preceding first of July. It would save a great deal of labor and yield the same amount of money.

§ 8. The last four lines of this section read "and no tax on gross receipts, except as in this statute authorized, shall be imposed or charged against any street horse railroad company." This should be stricken out to conform to the recommendation in regard to section 6.

PUBLIC PRINTING.

My predecessor, in his last annual report to the Legislature, said that he knew of "no branch of the public service in which a greater proportionate saving has been made than in the printing for the Legislature," which is undoubtedly true, and he could have added that there is nothing so difficult of interpretation as a printing contract, and

nothing more difficult to decide, in the present confusion of contradictory laws and joint rules, than what constitutes legislative printing. Under the present system, which I heartily approve of, that printing is awarded upon the basis of a lump bid, but such is the uncertainty of what constitutes legislative printing that I believe no lump bid contract has been, as yet, settled, without resort to the courts, and again, no court has, as yet, determined that question. I trust, therefore, that the Legislature of 1881 will pass an act which will definitely specify what items of printing constitute legislative printing and under authority of and in accordance with which future contracts, on the basis of a lump bid, may be let.

In connection with this subject, I desire, also, to call your attention to the present method of publishing the Court of Appeals Reports. The State pays the State Reporter an annual salary of \$5,000 and his clerk \$2,000. This is an entirely unnecessary expense upon the part of the State, and I see no reason why the Court of Appeals Reports should not be published in the same manner as the Supreme Court Reports. Undoubtedly this would be much more satisfactory in every way to the legal profession than the present method, and would be a saving to the State of \$7,000 annually.

OLD BALANCES DUE FROM COUNTIES.

On entering upon my duties on the 1st of January, 1880, I found the following old balances due from the several counties named:

Clinton (chap. 516, Laws of 1874)	\$6,000 00
Kings	95,650 75
Putnam	1,620 90
Richmond	46,976 70
Schuyler	4,561 26
Wayne	7,290 90

These balances arise from interest due on State tax, defalcation of county treasurers, and from other unexpected causes, which continually occur in the management of the finances of a great State. If the Legislature would grant authority to the Board of Audit, after hearing proper evidence and argument, to compromise and settle these balances, I believe the State would realize more than in any other way.

J. W. WADSWORTH,
Comptroller.

APPENDIX.

SCHEDULES REFERRED TO IN THE ANNUAL REPORT OF THE COMPTROLLER.

Schedule I shows the moneys received into the treasury during the year ending 30th September, 1880.

Schedule II shows the amount of warrants drawn on the treasury during the same year.

Schedule III is an estimate of the receipts and payments for ordinary expenses of government and other purposes, for the fiscal year commencing October 1, 1880.

Schedule IV shows the amount of the 1 and 777-1000 mill-tax levied in 1879, on the valuation of the real and personal estate in each county, the expenses of collection, and the amount payable into the treasury ; also, the amount of unpaid taxes returned to the Comptroller's office and admitted.

Schedule V gives the names of the clerks in the public offices (except the Canal, Banking and Insurance Departments), the amount paid to each during the year, and their present salaries.

Schedule VI is an estimate of the appropriations required for the expenses of government for the fiscal year commencing on the 1st October, 1881.

Schedule VII shows the amount of duties paid by the several auctioneers of the State during the year ending 30th September, 1880.

Schedule VIII is the report made to the Comptroller by the Superintendent of the Onondaga Salt Springs.

Schedule IX gives the cost of stationery delivered to the public offices during the year.

Schedule X shows the amount of town, county, school, and State taxes, and the rate of taxation, with the aggregate equalized valuations of real and personal estate in the several counties, upon the returns of 1879.

Schedule XI shows the valuations of real and personal estate in the several counties, as returned to the Comptroller's office for the year 1880.

Schedule XII shows the aggregate valuations of real and personal property, the State and local taxes, and the rate per cent for each year from 1845 to 1880, inclusive.

Schedule XIII shows the rate of State tax on each dollar of the aggregate valuations of property from 1816 to 1880, both inclusive.

Schedule XIV is a report of the treasurer of Cornell University in respect to College Land Scrip.

Schedule XV shows the amount of taxes on lands of non-residents returned for the years 1877, 1878 and 1879, with the amount thereof admitted and rejected from said returns ; also the amount of said rejected taxes which have been corrected and subsequently admitted.

(I.)

SCHEDULE.

Of moneys received into the Treasury during the year ending September 30, 1880.

Auction duty.....	\$32,997 97
Salt duty.....	84,471 16

Fees of Public Officers.

Secretary of State.....	\$6,439 09	
Comptroller.....	734 88	
Clerk of Court of Appeals.....	2,473 55	
State Engineer and Surveyor.....	64 79	
		9,712 31
Peddlers' licenses.....		939 17
Sales of Natural History of the State.....		387 50
Tolls of Cayuga Lake inlet.....		34 26
Sales of General Fund lands.....		4,752 44
Expenses of Commissioners of the Land Office in examining lands under water.....		1,500 00
Interest on deposits of the Treasurer.....		46,232 24
Fees of notaries.....		550 38
Tax on corporations.....		141,127 03
Military fines.....		70 00
Paid by the United States to reimburse expenses incurred by this State in the late war.....		61,858 95
State tax, exclusive of one and eighty-six thousandths mills tax for common schools (for amount of tax levied in 1879 see Schedule XI).....		4,700,083 32
Earnings of Plattsburgh and Dannemora R. R.....		315 10

State Prison Earnings.

Auburn.....	\$116,205 20	
Clinton.....	54,540 86	
Sing Sing.....	217,105 94	
		387,852 00
Asylum for insane convicts.....		10,566 11

MISCELLANEOUS RECEIPTS.

Unexpended Balances Returned to Treasury.

Appropriation for bridge on Cattaraugus reservation.....	\$153 54	
For operating Plattsburgh and Dannemora R. R.....	1,543 52	
Balances of three special appropriations for Sing Sing prison.....	5,810 85	
Contingent fund of the Assembly.....	649 91	
Oswego Normal School.....	1 10	
		8,158 92
Erroneous redemption returned.....		4 31
Carried forward.....	\$5,491,613 17	

Brought forward.....	\$5,491,613 17
Sale of old carpet from office of Secretary of State...	18 36
Stationery sold.....	408 01

MONEYS RECEIVED ON ACCOUNT OF PREVIOUS ADVANCES, OR TO BE PAID FROM THE TREASURY.

Non-resident Taxes.

Arrears of taxes.....	\$64,628 23	
Interest.....	14,741 71	
Redemption of lands.....	89,060 66	
Sales for taxes.....	62,524 98	
Interest on sales.....	9,837 29	
For advertising.....	9 97	
		240,802 84
Bank Department, for expenses.....	19,828 65	
Insurance Department, fees.....	82,660 55	
Railroad companies, for salary of Deputy State Engineer, clerk hire and printing.....		21,231 48
Gas-light companies, salary and expenses of Inspector of Gas Meters.....	2,420 11	
Public Administrators.....	258 03	

Total receipts on account of General Fund..... \$5,859,241 20

On account of the Common School Fund.

Capital.....	\$83,774 01	
Revenue.....	218,133 46	
		301,907 47

On account of the Literature Fund.

Revenue.....	42,717 00
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On account of the U. S. Deposit Fund.

Capital.....	\$154,004 64	
Revenue.....	264,215 96	
		418,220 60

On account of the College Land Scrip Fund.

Revenue.....	27,424 80
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On account of the Cornell Endowment Fund.

Capital.....	\$4,800 00	
Revenue.....	3,815 59	
		8,615 59

On account of the Elmira Female College Fund.

Revenue.....	3,500 00
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On account of the Military Record Fund.

Revenue.....	2,730 00
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\$6,664,356 66

(II.)

SCHEDULE

Of warrants drawn on the treasury during the year ending September 30, 1880.

Executive Department.

Governor, for salary.....	\$11,666 66	
Lieutenant-Governor, salary.....	5,000 00	
Private secretary to the Governor.....	3,500 00	
Compensation of clerks and messengers in the executive department.....	9,877 13	
Repairs and furniture for the Governor's residence.....	4,509 75	
Incidental expenses of the government..	3,808 85	
		\$38,362 39

Court of Appeals.

Judges of the court, for salaries	\$53,994 52	
Allowance for expenses	15,197 80	
		69,192 32
State Reporter, for salary	\$5,000 00	
Compensation of clerk in Reporter's office,	1,833 34	
		6,833 34
Clerk of the court	\$5,000 00	
Deputy Clerk	3,000 00	
Compensation of clerks and messenger in the office of the Clerk	4,950 00	
Pay of crier and attendants of the court,	7,160 00	
Books for library of the court	2,306 71	
Office expenses of the Clerk.....	3,006 52	
		25,423 23

Supreme Court.

Justices of the court:		
First district, salaries	\$30,000 00	
Second district, salaries ...	\$30,969 67	
expenses..	5,190 33	
		36,160 00
Third district, salaries ...	\$24,000 00	
expenses..	4,800 00	
		28,800 00
Fourth district, salaries ...	\$24,000 00	
expenses..	4,800 00	
		28,800 00
Fifth district, salaries ...	\$24,000 00	
expenses..	4,800 00	
		28,800 00
Carried forward	\$152,560 00	\$139,811 28

Brought forward.....	\$152,560 00	\$139,811 28
Sixth district, salaries...	\$24,000 00	
expenses..	4,800 00	
		28,800 00
Seventh district, salaries...	\$24,000 00	
expenses..	4,800 00	
		28,800 00
Eighth district, salaries...	\$24,000 00	
expenses..	4,800 00	
		28,800 00
Stenographers of the court, second district.....		3,687 50
Supreme court libraries, third district.....	\$2,081 20	
Supreme court libraries, fourth district.....	994 78	
Supreme court libraries, fifth district.....	850 67	
Supreme court libraries, sixth district.....	3,463 48	
Supreme court libraries, eighth district.....	2,276 15	
		9,666 28
Expenses of general terms of the court,	2,998 30	
Reports of courts for distribution to other States	388 50	
		255,700 58

Attorney-General's Office.

Attorney-General, for salary	\$5,000 00	
Deputy	4,000 00	
Second Deputy.....	4,000 00	
Compensation of clerks and messenger,	5,000 00	
Expenses of the office	1,171 51	
Books for library	40 63	
Services of stenographer employed by Attorney-General	923 25	
Services and expenses of counsel in various suits.....	4,315 00	
Costs and expenses.....	272 03	
Costs and expenses in judgment recovered against the State.....	1,196 39	
		25,918 81

Office of Secretary of State.

Secretary of State, salary	\$5,000 00	
Deputy Secretary	3,500 00	
Carried forward.....	\$8,500 00	\$421,430 67

Brought forward.....	\$8,500 00	\$421,430 67
Compensation of clerks and messenger in office.....	20,679 76	
Expenses of the office	1,776 04	
		30,955 80

Comptroller's Office.

Comptroller, salary	\$6,000 00	
Deputy Comptroller.....	3,625 00	
Compensation of clerks and messenger,	24,679 17	
Expenses of the office	2,154 83	
		36,459 00

Treasurer's Office.

Treasurer, salary.....	\$5,000 00	
Deputy Treasurer.....	3,500 00	
Compensation of clerks	8,091 18	
Expenses of the office	786 96	
		17,378 14

Department of Public Instruction.

Superintendent, salary	\$5,833 32	
Deputy Superintendent	3,500 00	
Compensation of clerks and messenger ..	9,085 00	
Expenses of the department.....	2,016 45	
		20,434 77

Office of State Engineer and Surveyor.

Compensation of clerks.....	\$3,500 00	
Expenses of the office.....	499 76	
		3,999 76

Land Office.

Survey and appraisal of lands	\$666 00	
Expenses of examining State lands	227 81	
Advertising sale	70 00	
Water rents on State property in Albany for 1875, 1876, 1878 and 1879.....	223 20	
Serving notices.....	30 20	
		1,217 21
State survey.....		20,733 00
Adirondack survey.....		17,500 00
For settlement of boundary lines between this State and Connecticut		1,419 09
For improving the navigation of Hudson river	\$32,484 38	
Monuments, station-marks and signals between the State dam at Troy and the city of Albany, and between New Bal- timore and Hudson.....	1,285 00	
		33,769 38

Carried forward.....	\$605,296 82
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Brought forward	\$605,296 82
Monuments, signals, etc., on Staten Island.....	473 19
Advertising for proposals for improving Cayuga Lake inlet	42 27

Public Office.

Postage on letters, etc.:		
Governor	\$479 68	
Secretary of State.....	1,327 01	
Comptroller.....	776 44	
Treasurer	136 89	
Attorney-General	264 21	
Department of Public Instruction	615 57	
State Engineer and Surveyor.....	177 89	
Clerk of Court of Appeals.....	520 61	
Adjutant-General.....	732 05	
Inspector-General.....	38 00	
		5,068 35
Stationery for the public offices.....		2,883 70
Fuel for the capitol, State hall and State library.....		3,844 69
Transportation of packages for the public offices, including boxes.....		3,171 29

Capitol.

Compensation of superintendent	\$1,200 00	
Gas, water and ice	1,046 50	
Repairs, improvements, cleaning and other expenses.....	8,826 72	
		11,673 22

State Hall.

Compensation of superintendent	\$1,200 00	
Gas, water and ice	1,373 25	
Repairs, improvements, cleaning and other expenses.....	7,295 11	
		9,868 36

New Capitol.

Advances to commissioners.....	\$1,000,000 00	
For liabilities incurred	7,763 56	
Expenses	27,315 00	
Interest on award for lands	600 00	
		1,035,678 56

State Library.

Librarians and janitor, salaries	\$7,800 00	
For purchase of books.....	5,946 53	
Carried forward.....	\$13,746 53	\$1,678,000 45

Brought forward.....	\$13,746 53	\$1,678,000 45
Binding, lettering, etc.....	1,774 13	
Cleaning, repairs, gas, etc.	2,027 58	
		17,548 24

Regents of the University.

Secretary, for salary	\$2,500 00	
Assistant Secretary.....	2,000 00	
Contingent expenses	4,567 98	
		9,067 98

New York State Museum of Natural History.

Director, for salary.....	\$3,500 00	
State Entomologist.....	333 32	
Botanist, salary and expenses.....	1,579.77	
Salaries of assistants	3,100 00	
Compensation of taxidermist.....	200 00	
Increase and preservation of the cabinet,	3,227 60	
Balance for printing four annual reports.	570 28	
Superintendent of hall for State cabinet.	1,200 00	
Gas, water and ice.....	326 00	
Repairs, cleaning, fuel and other ex-		
penses	3,803 98	
		17,840 95

Natural History of the State.

James Hall, for authorship, clerk hire,		
etc.....	\$2,500 00	
Drawings	1,620 50	
Printing and lithographing.....	3,966 39	
		8,086 89
Printing and binding Colonial History.....		1,750 00
Services and expenses incurred in preparation and pub-		
lication of historical records.....		4,778 35

Legislature.

Compensation of officers and members..	\$322,562 60	
Advances to clerks for contingent ex-		
penses:		
Senate.....	\$5,100 00	
Assembly	12,590 20	
		17,690 20
Committees, for clerks and expenses....	29,604 79	
Compensation of witnesses.....	829 12	
Postage:		
Senate.....	\$1,573 46	
Assembly	5,691 09	
		7,264 55
Pay of chaplains.....		791 00
Carried forward.....	\$378,742 26	\$1,737,072 86

Brought forward.....	\$378,742 26	\$1,737,072 86
Clerk's Manual, 1,200 copies.....	1,000 00	
Legislative Manual, 580 copies	1,111 07	
One thousand copies convention document, No. 1, for Senate in 1873.....	100 00	
Clerk of Assembly, preparing and mailing Clerk's Manual	250 00	
Indexing Assembly Journal, bills and documents.....	750 00	
Extra clerical services and engrossing ..	750 00	
Rent of telephone, one year.....	100 00	
Carting Senate and Assembly documents	600 00	
Carrying mail for Assembly, 8 days	16 00	
Desk for Speaker's room.....	55 00	
Furniture and repairing	70 85	

Contested Elections.

J. Haines, legal expenses, Fourth Assembly District, Albany County	750 00	
Thomas Liddle, same district.....	1,320 00	
R. H. Strahan, Eighth Senate district...	1,000 00	
James Stevens, Twenty-second Senate district	750 00	
Transportation of packages by express, for Senate.....	\$1,174 35	
Assembly.....	3,402 16	
	4,576 51	

391,941 69

Printing for the State.

Legislative	\$46,516 34	
Publishing official canvass	1,028 25	
Publishing official notices.....	1,627 70	
Publishing concurrent resolutions.....	50,364 65	
Publishing notices of general and special terms of Supreme Court.....	235 12	
Printing slips of Session Laws, 1880...	6,111 14	
Binding legislative documents.....	1,872 68	
Binding Session Laws.....	680 00	

108,435 88

MILITIA OF THE STATE.

Adjutant-General's Office.

Services	\$12,960 67	
Expenses	7,033 56	
Copying muster-rolls	7,221 32	

Carried forward.....	\$27,215 55		\$2,237,450 43
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Brought forward	\$27,215 55	\$2,237,450 43
Services and expenses of military camps	7,896 50	
Uniforming separate companies	1,080 00	
Expenses of Examining Board	61 00	
		36,253 05

Inspector-General's Office.

Services	\$4,640 30	
Expenses	2,903 52	
		7,543 82

Inspector of Rifle Practice.

Services	\$1,500 00	
Expenses	6,483 69	
Maintaining ranges	9,885 00	
Badges	7,037 10	
		24,905 79

Office of Paymaster.

Services	\$300 00	
Expenses	22 78	
		322 78

Office of Commissary-General of Ordnance.

Services	\$24,807 88	
Expenses	11,188 64	
Purchases	36,273 89	
Equipping new companies ..	10,174 15	
For fully equipping N. G ..	4,125 00	
To replace arms and equipments destroyed by fire ..	3,098 55	
Transportation of troops for rifle practice	6,704 22	
For reserve of ammunition,	15,652 50	
		112,024 83
Judge Advocate, for services	500 00	
Expenses of courts-martial	2,050 19	
Expenses of brigade and division headquarters	13,243 73	
Regimental fund	72,000 00	
Uniform fund	114,448 00	
		383,292 19
Armory at Kingston	\$20,806 40	
Oswego	3,500 00	
Newburgh	24,999 53	
Watertown	27,483 13	
Repairs of damages occasioned by fire to arsenal and military property at Albany,	11,319 45	
Carried forward	\$88,108 51	\$2,620,742 62

Brought forward.....	\$88,108 51	\$2,620,742 62
Repairs of arsenals and armories.....	10,282 61	
		98,391 12
Services and expenses in office of Adjutant-General, investigating claims against the United States.....		2,255 05

Indian Affairs.

Compensation of agents and attorneys...	\$800 00	
Physician for Onondagas.....	300 00	
School-house for Tonawandas.....	600 00	
Indian annuities.....	7,361 67	
		9,061 67

Quarantine.

For maintenance of quarantine estab- lishment.....	\$15,000 00	
Repairs of hospital ship and steamer...	10,000 00	
Salaries of commissioners.....	7,500 00	
		32,500 00

Commissioners of Emigration.

Paid to commissioners on account of appropriations..	166,059 09
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Promotion of Agriculture.

Societies of the several counties.....	\$13,667 96	
"American Institute.....	2,315 63	
New York State Society.....	9,706 25	
Various Indian societies.....	499 98	
		26,189 82

Commissioners of Fisheries.

Seth Green, for salary and expenses incurred in the service of the commissioners.....	13,170 71
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Onondaga Salt Springs.

Advances to superintendent on his esti- mates of expenditures.....	\$84,730 59	
Steam machinery for pump-house.....	5,000 00	
		89,730 59

State Normal Schools.

Albany.....	\$539 30	
Cortland.....	4,609 56	
Oswego.....	16,212 00	
		21,360 86

State Board of Audit.

Awards by the Board.....	\$3,052 49	
Stenographer.....	500 00	
Expenses.....	225 20	
		3,777 69

Carried forward.....	\$3,083,239 22
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Brought forward..... \$3,083,239 22

State Board of Health.

Secretary for salary.....	\$774 00	
Clerk hire.....	258 22	
Expenses	1,871 40	
Members' traveling expenses	366 95	
		3,270 57

Investigation.

Services and expenses incurred in investigating charges against the sheriff of New York.....	3,710 00
State Assessors, salaries and expenses.....	9,265 77
Superintendent of weights and measures.....	500 00
Auction agent, salary and expenses.....	1,299 60

Commissioners of Public Charities.

Salaries of secretary and assistant.....	\$5,500 00	
Expenses of commissioners.....	755 30	
Expenses of secretaries in visiting almshouses, removal and care of State paupers.....	1,264 74	
Rent, office and contingent expenses....	3,274 53	
Support, care, treatment and removal of State paupers.....	23,909 82	
		34,704 39

Commissioner in Lunacy.

Salary	\$4,000 00	
Expenses	884 46	
		4,884 46

CHARITABLE INSTITUTIONS.

Insane State Lunatic Asylum at Utica.

Salaries of officers.....	\$14,934 40
For additions, alterations and repairs of buildings	25,634 14
Renewing and remodeling wards.....	20,000 00
	\$60,568 54

Willard Asylum for the Insane.

For building	\$77,000 00
Salaries of officers	11,294 40
Support of Mark Jack, an insane Indian.....	156 75
	88,451 15

Buffalo State Asylum for the Insane.

Construction	\$80,205 35
Support	6,945 41

Carried forward..... \$87,150 76 \$149,019 69 \$3,140,874 01

Brought forward.....	\$87,150 76	\$149,019 69	\$3,140,874 01
For sewer.....	1,053 83		
		88,204 59	

State Homœopathic Asylum for the Insane.

Support.....	\$2,000 00		
Plumbing, grading, furniture, etc.....	4,000 00		
Erecting pavilion for female patients.....	65,000 00		
Salaries of officers.....	8,000 00		
		79,000 00	

Hudson River State Hospital for the Insane.

Construction	\$35,000 00		
Support	10,000 00		
Maintenance, furniture, building, etc.....	20,000 00		
Salaries of officers.....	8,000 00		
		73,000 00	

Binghamton Asylum for Chronic Insane.

Support, building, repairs, etc.....	\$106,534 15		
Salaries of officers.....	3,825 85		
		110,360 00	
			499,584 28

New York Institution for the Blind.

For support and instruction of pupils..	\$45,948 49		
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New York State Institution for the Blind at Batavia.

Support and instruction of pupils	\$25,000 00		
Repairs and furniture.....	3 000 00		
		\$28,000 00	
			73,948 49

Institutions for the Deaf and Dumb.

Institution at New York for support and instruction of pupils.....	\$69,202 47		
Institution for Improved Instruction of Deaf Mutes, support.....	\$18,157 17		
Deficiency in former appropriation.....	877 12		
		19,034 29	
Le Couteulx Institution for Deaf Mutes	12,125 00		
Carried forward.....	\$100,361 76	\$3,714,406 78	

Brought forward.....	\$100,361 76	\$3,714,406 78
Central N. Y. Institution for Deaf Mutes, support and deficiency.....	21,107 87	
Western N. Y. institution for Deaf Mutes,	14,262 14	
St. Joseph's Institute for Deaf Mutes...	10,993 43	
		146,725 20

Thomas Asylum.

For support of orphan and indigent Indian children		7,860 46
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State Asylum for Idiots.

Support.....	\$45,000 00	
For custodial department.....	15,000 00	
Boiler, boiler-house, coal-house, etc....	6,000 00	
		66,000 00

New York State Soldiers and Sailors' Home.

Support.....	\$70 000 00	
Hospital, farm building and stock, etc.	22,000 00	
		92,000 00

Seamen's Retreat Hospital.

Principal and interest of mortgage, repair and construction of buildings, etc.....		41,050 00
New York Catholic Protectory, support.....		25,000 00

State Reformatory at Elmira.

For support, purchase of materials etc.....		45,000 00
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Asylum for Insane Convicts, Auburn.

Support	\$25,976 87	
Outside stairways, repairs, etc.....	2,300 00	
		28,276 87
Society for Reformation of Juvenile Delinquents, support	\$46,666 66	
Clothing for inmates	10,000 00	
New school room, fire-proof stairways, etc	6,675 00	
		63,341 66
House of Refuge, Western New York, support.....	\$70,000 00	
Erecting and furnishing additional buildings.....	31,400 00	
		101,400 00

STATE PRISONS.

Auburn.

Support	\$130,181 82	
Carried forward	\$130,181 82	\$4,331,060 97

Brought forward.....	\$130,181 82	.....	\$4 331,060 97
Water for prison and asy- lum for insane convicts,	2,250 00		
Rebuilding and enlarging shops, and supplying heating apparatus, etc ..	14,000 00		
Iron stairs	232 00		
			\$146,663 82

Clinton.

Support	\$90,782 51		
Enlargement of Clinton prison	132,612 54		
			223,395 05

Sing Sing.

Support	\$189,398 61		
New wharf.....	19,012 22		
Iron fence.....	13,993 04		
Alterations in building used for female prison ..	4,000 00		
Rebuilding shops destroyed by fire.....	8,500 00		
Repairing and ironing gates	50 00		
Water	1,500 00		
Library	500 00		
			236,953 87
Superintendent, salary and expenses....	6,589 34		
Clerk hire	1,000 00		
Agent for discharged con- victs, salary	\$2,500 00		
Expenses.....	5,000 00		
			7,500 00
Transportation of convicts.....	12,439 39		
			634,541 47

Penitentiaries.

For support of convicts and for money and clothing furnished discharged convicts at penitentiaries in Albany county ...	\$4,940 51		
Erie county	3,666 93		
Kings county	12,232 38		
Monroe county ...	3,671 75		
New York county,	5,162 75		
Onondaga county,	4,164 98		
			33,869 30

State tax.

Proceeds of three-tenths mill tax levied in 1879 to pro- vide for deficiency in the Canal Sinking Fund ...	789,724 90		
Carried forward	\$5,789,196 64		

Brought forward..... \$5,789,196 64

Sundry Expenditures.

For prevention of contagious and infectious diseases of animals.....	\$32,982 57	
Washington's headquarters, for compensation of superintendent and repairs,	\$1,000 00	
For iron fence	3,000 00	
		4,000 00
Erroneous payments into the treasury..	120 00	
Inebriate asylum, services of messenger,	36 00	
Compensation of shore inspector.....	2,000 00	
Expenses of pilot commissioners.....	4,500 00	
Failure of title	256 75	
Game and fish protectors, salaries and expenses	306 70	
		44,202 02

Miscellaneous and Temporary Expenses.

M. H. Throop, services as counsel for Senate committee on bills presented by commissioners to revise the statutes of the State	\$7,150 00	
E. D. Palmer, pedestals for statues of George Clinton and Robert R. Livingston for Capitol at Washington	1,500 00	
C. L. McAlpine, canal certificate for extraordinary repairs and interest.....	892 00	
Picture of State arms from flag borne in battle at Yorktown	50 00	
Gratuity to Johanna Yager whose husband was killed while employed on New Capitol	1,000 00	
Session laws and statutes to replace books burned in town of Chester.....	\$45 50	
Session laws and statutes to replace books burned in town of Barton.....	44 25	
		89 75
H. C. Rider, for deaf mutes journal....	300 00	
		10,981 75

Moneys advanced and refunded which had been previously paid or were to be paid into the treasury:

Bank Department.

Superintendent, for salary	\$1,819 44	
Acting Superintendent	3,180 56	
Deputy Superintendent.....	3,044 12	
Carried forward.....	\$8,044 12	\$5,844,380 41

Brought forward	\$8,044 12	\$5,844,380 41
Clerk hire.....	6,578 80	
Expenses of bank examinations, printing and office expenses.....	5,479 51	
		20,102 43

Insurance Department.

Superintendent, for salary	\$7,000 00	
Deputy Superintendent.....	4,500 00	
Clerk hire.....	41,715 15	
Messenger.....	937 50	
Night watchman.....	140 00	
Office expenses, examining insurance companies, printing, postage, etc.....	9,983 69	
		64,276 34

Gas-Light Companies.

Salary and expenses of Inspector of Gas-meters.. . .	2,500 00
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Railroad Companies.

Salary of Deputy State Engineer and Sur- veyor.	\$3,500 00	
Clerk hire.....	3,700 00	
Balance for printing report of 1878.....	2,567 91	
Printing blanks, etc:.....	550 92	
Stationery and postage.....	36 50	
		10,355 33

County Treasurers.

For taxes on non-resident lands returned to the Comptroller's office and county treasurers' fees.....	\$92,424 62
Expenses of tax sales.....	12 50

Refunded.

Redemption of lands sold for taxes	27,847 97	
Erroneous payment of taxes.....	5,395 22	
Taxes for roads	2,511 35	
		128,191 66

Total payments on account of the General Fund, \$6,069,806 17

On account of the Common School Fund.

Capital	\$1,099,500 00	
Revenue	364,955 84	
		1,464,455 84

On account of the Literature Fund.

Revenue	43,182 81
Carried forward.....	\$7,577,444 82

Brought forward..... \$7,577,444 82

On account of the United States Deposit Fund.

Capital	\$187,300 00	
Revenue	251,069 06	
		438,369 06

On account of the College Land Scrip Fund.

Capital	\$38,793 75	
Revenue	23,842 67	
		62,636 42

On account of Cornell Endowment Fund.

Capital	\$31,585 81	
Revenue	4,000 00	
		35,585 81

On account of Elmira College Fund.

Revenue		3,500 00
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On account of Military Record Fund:

Revenue		2,905 20
On account of Bounty Debt Sinking Fund		8,148 80

\$8,128,590 11

(III)

ESTIMATED REVENUE.

Applicable to the ordinary expenses of government and other purposes for the fiscal year commencing October 1st, 1880.

Two and seventy-five one-thousandths mill tax for support of government.....	\$5,473,578 67
Balance due from county treasurers, September 30, 1880, on tax of 1879	222,606 92
Auction duty.....	25,000 00
Salt duty.....	70,000 00
State prison earnings.....	375,000 00
Arrears and interest of non-resident taxes.....	75,000 00
Fees of public offices.....	6,000 00
Peddlers' licenses.....	500 00
Interest on treasury deposits.....	20,000 00
Sale of lands.....	2,000 00
From banks, for expenses of Bank Department.....	17,000 00
From insurance companies, for expense of Insurance Department.....	75,000 00
Carried forward	<u>\$6,361,685 59</u>

Brought forward.....	\$6,361,685 59
From railroad companies, for salary of Deputy State Engineer and Surveyor, clerk hire and printing reports.....	10,000 00
From gas-light companies, for salary of Inspector of gas-meters.....	2,500 00
Asylum for insane criminals, paid by counties.....	8,000 00
Fees of notaries.....	500 00
Taxes on corporations.....	500,000 00
Miscellaneous.....	2,500 00
	\$6,885,185 59

ESTIMATED PAYMENTS.

For ordinary expenses of government and other purposes, for the fiscal year commencing October 1st, 1880.

Salaries of the officers of government and of the clerks in the public offices.....	\$189,258 32
Salaries of the judges of the Court of Appeals, and expenses.....	63,500 00
Salaries of the justices of the Supreme Court, and expenses.....	243,800 00
For additional law libraries.....	8,438 13
Expenses of the General Term, Supreme Court.....	5,000 00
Compensation of members and officers of the Legislature.....	365,000 00
Contingent expenses of the Legislature.....	28,000 00
Expenses of the public offices.....	13,889 26
Expenses of the Executive Department.....	3,600 00
Apprehension of criminals.....	2,000 00
Apprehension of fugitives from justice.....	2,000 00
Compensation of the criers and attendants of the Court of Appeals.....	5,024 00
Advances to county treasurers for taxes on non-resident lands returned to the Comptroller's office.....	60,000 00
Insurance Department, salaries and expenses.....	95,246 52
Bank Department, salaries and expenses.....	18,166 86
Inspector of gas-meters, for salary.....	2,500 00
Office of State Engineer and Surveyor, railroad department.....	11,267 69
Agent to examine auctioneer's accounts.....	1,460 50
Repayment of money to purchasers for redemption of lands sold for taxes.....	50,000 00
Repayment of money erroneously paid for taxes.....	10,000 00
Repayment of money in cases of failure of title to lands sold by the State.....	343 25
Repayment of money paid into the treasury through mistake.....	500 00
Carried forward.....	\$1,178,994 53

Brought forward.....	\$1,178,994 53	
Quarantine commissioners, for salaries.....	7,500 00	
Expenses of public lands and compensation and mileage of the Speaker of the Assembly, as Commissioner of the Land Office.....	1,886 14	
Postage of official letters.....	5,000 00	
Stationery for the public offices.....	4,000 00	
Transportation of the journals and documents of the Legislature, packages for the public offices, and expense of boxes.....	5,000 00	
Expenses of the Regents of the University, and salaries of the secretary and assistant secretary, etc.....	10,299 69	
Expenses of the Capitol.....	8,700 00	
Expenses of the State Hall.....	9,200 00	
Expenses of the State Library.....	20,316 02	
Repairs, etc., of the Executive Mansion.....	4,711 66	
Expenses of the Hall for the State Cabinet of Natural History.....	5,557 41	
Natural History of the State, for drawings, etc.....	3,596 00	
James Hall, as State Geologist, for compensation for authorship, etc.....	2,500 00	
New Capitol.....	810,000 00	
New Capitol, maintenance.....	47,885 00	
Expenses of the State prisons.....	572,877 76	
Repayment of the State prison contractors' deposits..	1,000 00	
Transportation of convicts.....	20,000 00	
Superintendent of State prisons, for salary, expenses and clerk hire.....	8,619 60	
Expenses of Asylum for Insane Convicts.....	30,000 00	
Maintenance of convicts confined in penitentiaries...	30,000 00	
Expenses of the National Guard, etc.....	603,596 27	
Expenses of the Onondaga salt springs.....	61,614 41	
Agricultural societies.....	28,000 00	
Indian affairs.....	1,165 00	
Pilot commissioners.....	4,500 00	
Compensation of the keeper of Washington's headquarters, repairs to property, etc.....	1,000 00	
Reports of the Court of Appeals and Supreme Court, for exchange with other States.....	500 00	
Printing for the State.....	66,343 40	
Fuel for the Capitol, State Hall and State Library ...	3,500 00	
Costs of suits, expenses of Attorney-General, etc....	11,277 58	
New York State Museum of Natural History.....	10,066 36	

Charitable Institutions, etc.

Hudson River State Hospital for the Insane.....	\$13,000 00	
Willard Asylum for the Insane.....	25,100 00	
Buffalo State Asylum for the Insane ...	32,500 76	
Lunatic Asylum, Utica.....	15,000 00	

Carried forward..... \$85,600 76 \$3,579,206 83

Brought forward	\$85,600 76	\$3,579,206 83
Binghamton Asylum for Chronic Insane, New York	7,500 00	
Institution for the Blind.....	45,000 00	
New York State Institution for the Blind, Batavia	37,000 00	
Institution for the Deaf and Dumb, New York	75,375 00	
Institution for Improved Instruction of Deaf Mutes, New York	18,000 00	
Central New York Institution for Deaf Mutes, Rome.....	20,250 00	
Le Couteulx St. Mary's Institution for the Improved Instruction of Deaf Mutes at Buffalo.....	11,250 00	
Western New York Institution for Deaf Mutes, Rochester	16,875 00	
St. Joseph's Institution for Improved Instruction of Deaf Mutes at Fordham,	14,400 00	
House of Refuge, Western New York ..	70,000 00	
Society for the Reformation of Juvenile Delinquents.....	43,300 00	
State Asylum for Idiots	60,000 00	
Thomas Asylum for Orphan and Destitute Indian Children.....	8,500 00	
Homeopathic Asylum for the Insane...	92,950 00	
State Soldiers and Sailors' Home, Bath,	80,000 00	
		686,000 76
Commissioners of Public Charities, salary of secretary, office and traveling expenses	\$7,574 56	
State Commissioner in Lunacy, salary and expenses	5,000 00	
		12,574 56
Improvement of Cayuga inlet.....		12,457 73
Commissioners of fisheries.....		5,937 46
Interest on money in the treasury belonging to the specific funds....		70,000 00
State paupers, etc.....		27,960 64
Normal school at Albany		127 65
Normal school at Brockport.....		7,852 00
For supplying Deaf Mutes' Journal to deaf and dumb persons of the State.....		650 00
For services and expenses in prosecuting war claims against the United States.....		5,130 84
Commissioners of emigration		101,825 26
Hudson river improvement.....		19,603 44
Board of Audit, stenographer, etc.		750 00
Road commissioners, for non-resident taxes returned to Comptroller's office.....		6,000 00
Shore inspector, for salary.....		2,000 00
Carried forward.....		\$4,538,077 17

Brought forward.....	\$4,538,077 17
Stenographers of Supreme Court, in Second Judicial District.....	4,075 00
For the Adirondack survey.....	10,000 00
For the payment of Indian annuities.....	7,361 67
For maintenance of State agency for discharged convicts.....	7,500 00
For Tonawanda band of Seneca Indians, for furnishing manual labor school.....	300 00
Boundary line, New York and Connecticut.....	1,543 64
Contagious diseases among cattle, prevention of.....	2,600 78
For deficiency in United States Deposit Fund.....	6,210 63
Historical records, publication of.....	556 86
State survey.....	15,867 00
Mrs. J. G. Wasson, interest on New Capitol certificate for lands purchased.....	600 00
For raising and reburnishing monument erected to commemorate the capture of Major Andre.....	1,000 00
For aiding in the erection of monument at Schuylerville.....	10,000 00
State Board of Health.....	11,399 43
For establishing Agricultural Experiment Station....	20,000 00
For serving notices on occupants of public lands, ascertaining value of such lands, etc.	3,969 80
Electors of President and Vice-President....	4,000 00
For erection of fish ways in State dams.....	5,000 00
Game and fish protectors, compensation and expenses, for completing triangulation, etc., to determine pier and bulk-head lines of New York harbor.....	1,226 81
Penitentiaries for maintenance of convicts.....	30,000 00
Miscellaneous.....	837 60
Add apparent deficiency	\$4,687,819 69
Estimated revenue	430,853 71
Estimated revenue	\$5,118,672 40
Estimated surplus, September 30, 1881	6,885,185 59
Estimated surplus, September 30, 1881	\$1,766,513 19

(IV.)

SCHEDULE showing the amount of the one and seven hundred and seventy-seven-thousandths mills tax levied in 1879 on the real and personal property in each county in the State, viz. : For general purposes, one and four hundred and seventy-seven-thousandths mills, and to provide for a deficiency in the Canal Sinking Fund three-tenths of a mill, with the expenses of collection and the amount payable into the treasury ; also the amount of unpaid taxes returned to the Comptroller's office and admitted.

COUNTIES.	Amount of tax.	County treasurer's fees.	Net proceeds.	Taxes returned and admitted.
Albany	\$123,098 68	\$962 73	\$122,135 65	.....
Allegany.....	20,264 43	198 23	20,066 20	\$441 68
Broome.....	23,372 90	.....	23,372 90	67 85
Cattaraugus	23,696 92	.....	23,696 92	2,504 72
Cayuga.....	44,143 17	.....	44,143 17	2,113 84
Chautauqua.....	37,931 79	379 34	37,552 47	.....
Chemung.....	23,164 19	.....	23,164 19	14 49
Chenango.....	28,156 94	.....	28,156 94	452 56
Clinton.....	15,135 27	.....	15,135 27	5,533 85
Columbia.....	49,800 62	499 01	49,302 61	.....
Cortland.....	15,913 57	156 92	15,756 65	221 29
Delaware.....	20,240 78	202 41	20,038 37	1,579 18
Dutchess.....	75,100 84	.....	75,100 84	.....
Erie.....	145,806 52	1,241 36	144,565 16	161 35
Essex.....	15,847 52	15 59	15,831 93	14,288 56
Franklin.....	11,983 86	.....	11,983 86	13,789 57
Fulton.....	9,461 72	.....	9,461 72	1,394 91
Genesee.....	31,331 89	.....	31,331 89	2 79
Greene.....	16,361 38	163 61	16,197 77	444 42
Hamilton.....	1,431 62	.....	1,431 62	23,004 55
Herkimer.....	26,539 04	.....	26,539 04	3,655 51
Jefferson.....	39,218 01	.....	39,218 01	331 60
Kings.....	456,010 66	.....	456,010 66	19,720 07
Lewis.....	13,720 46	.....	13,720 46	4,036 34
Livingston.....	32,060 70	.....	32,060 70	.....
Madison.....	26,793 01	.....	26,793 01	.....
Monroe.....	99,281 44	500 00	98,781 44	.....
Montgomery.....	27,007 71	.....	27,007 71	.....
New York.....	2,215,692 27	5,000 00	2,210,692 27	1,894 50
Niagara.....	35,789 67	.....	35,789 67	.....
Oneida.....	80,120 54	.....	80,120 54	.....
Onondaga.....	88,438 18	500 00	88,938 18	.....
Ontario.....	41,023 21	.....	41,023 21	.....
Orange.....	65,457 61	.....	65,457 61	63 79
Orleans.....	23,582 88	.....	23,582 88	.....
Oswego.....	36,725 21	.....	36,725 21	.....
Otsego.....	30,701 48	.....	30,701 48	.....
Putnam.....	12,201 77	122 02	12,079 75	.....
Queens.....	68,658 94	500 00	68,158 94	.....
Rensselaer.....	74,479 68	.....	74,479 68	.....
Richmond.....	19,989 39	.....	19,989 39	9,296 16
Rockland.....	19,991 31	.....	19,991 31	6,081 41
Saratoga.....	33,864 39	.....	33,864 39	639 22
Schenectady.....	15,526 77	.....	15,526 77	.....
Schoharie.....	14,692 68	.....	14,692 68	.....
Schuyler.....	10,317 44	.....	10,317 44	.....
Seneca.....	21,907 51	219 03	21,688 43	.....
St. Lawrence.....	36,977 38	.....	36,977 38	5,390 67
Stauben.....	31,827 20	.....	31,827 20	61 44
Suffolk.....	26,145 16	.....	26,145 16	.....
Sullivan.....	8,060 30	80 60	7,979 70	.....
Tioga.....	16,150 74	.....	16,150 74	109 98
Tompkins.....	21,070 48	.....	21,070 48	.....
Ulster.....	32,824 53	.....	32,824 53	.....
Warren.....	8,421 49	.....	8,421 49	4,009 22
Washington.....	35,736 51	.....	35,736 51	74 54
Wayne.....	37,367 71	.....	37,367 71	.....
Westchester.....	120,339 78	.....	120,339 78	.....
Wyoming.....	18,937 42	.....	18,937 42	48 88
Yates.....	19,334 27	.....	19,334 27	.....
	\$4,773,260 24	\$10,739 88	\$4,762,529 36	\$122,008 88

(V.)

CLERKS IN THE PUBLIC OFFICES.

Statement showing the amount paid for clerk hire in the public offices (except Canal, Bank and Insurance Departments) during the year ending September 30, 1880.

Governor's Office.

Present clerks :

	Amount paid.	Present salary.
E. Miggael.....	\$2,000 00	\$2,000 00
W. C. Humphrey.....	1,000 00	1,500 00
T. Newcomb.....	800 00	1,500 00
S. A. Law.....	800 00	1,500 00
T. A. Brown, messenger.....	600 00	1,200 00
S. A. Smith, messenger.....	600 00	1,200 00

Late clerks :

F. Remington.....	470 43
G. Tunnicliff.....	666 68
H. F. McGlachlin.....	600 00
W. Blair.....	766 68
W. C. Newell, messenger.....	533 34
Extra clerical services.....	1,040 00

\$9,877 13

Office of Secretary of State.

Present clerks :

L. Chamberlain.....	\$1,666 66	2,500 00
T. H. Ferris.....	1,200 00	1,800 00
A. D. W. Stickland.....	1,200 00	1,800 00
W. G. Carr.....	1,200 00	1,800 00
F. J. P. Chitty.....	1,200 00	1,800 00
D. J. Blauvelt.....	1,000 00	1,500 00
W. H. Stevens ..	1,000 00	1,500 00
W. E. Kisselburgh.....	1,000 00	1,500 00
D. Caswell.....	1,000 00	1,500 00
H. A. Cozzens.....	1,000 00	1,500 00
B. Fernow.....	666 66	1,000 00
G. H. Overocker, messenger.....	666 66	1,000 00

Late clerks :

R. A. Wood.....	833 34
W. J. Macdonald.....	833 34
W. H. Terrell.....	650 00
J. J. Coleman.....	600 00
T. R. B. Eldridge.....	800 00
H. H. Fonda.....	700 00
F. G. Jewett.....	600 00
F. D. Sherman.....	650 00

Carried forward..... \$18,466 66

	Amount paid.	Present salary.
Brought forward.....	\$18,466 66	
C. W. Fisher.....	550 00	
F. C. Dewey.....	450 00	
A. C. Comstock, Jr.....	383 34	
C. G. Shanks.....	100 00	
C. G. Porter.....	300 00	
P. A. Riley, messenger.....	383 34	
Extra clerical services.....	46 42	
	\$20,679 76	

Comptroller's Office.

Present clerks:

S. W. Park.....	\$2,333 34	\$2,400 00
G. Seeley.....	2,200 00	2,200 00
W. E. Merriman.....	1,966 66	2,000 00
L. G. Benedict.....	1,000 00	2,000 00
T. H. Schuyler.....	1,000 00	1,500 00
W. H. Sanger.....	1,125 00	1,500 00
A. Cartwright.....	937 50	1,350 00
F. N. Chase.....	825 00	1,350 00
M. B. Williams.....	1,350 00	1,350 00
G. W. Bliss, Jr.....	1,350 00	1,350 00
W. H. Van Allen.....	1,350 00	1,350 00
T. H. Davis.....	825 00	1,350 00
E. L. Pond.....	825 00	1,200 00
J. T. Parker.....	500 00	1,200 00
F. B. Holdrige, messenger.....	266 66	400 00

Late clerks:

S. S. Whallon.....	1,500 00
E. L. Smith.....	700 00
A. Comstock.....	433 33
W. A. Doty.....	500 00
H. S. Miller.....	500 00
P. H. Backus.....	500 00
J. Bronk.....	625 00
J. W. Clark.....	500 00
E. R. Pratt.....	500 00
J. Bowne.....	500 00
J. P. Minahan.....	450 00
E. T. Smyth, messenger.....	116 68

\$24,679 17

Treasurer's Office.

Present clerks:

R. G. Milks.....	\$2,284 73	\$3,000 00
T. Mosher.....	1,333 32	2,000 00
L. B. Hoyt.....	929 84	1,500 00
A. K. Pruyn.....	666 66	1,000 00

Carried forward..... \$5,214 55

	Amount paid.	Present salary.
Brought forward	\$5,214 55	
Late clerks:		
F. A. Carpenter	833 34	
D. G. Starr	666 68	
J. H. Schooley	825 00	
H. D. Appleton	500 00	
C. E. Woodruff	51 61	
	\$8,091 18	

Department of Public Instruction.

Present clerks:		
L. Z. Remington	\$2,200 00	\$2,200 00
G. B. Weaver	1,800 00	1,800 00
J. W. Veeder	1,620 00	1,620 00
G. H. Beattys	1,620 00	1,620 00
A. S. Bralley	1,620 00	1,620 00
W. Kernau, messenger	225 00	360 00
	\$9,085 00	

Office of Attorney-General.

Present clerks:		
J. C. Winslow	\$1,333 32	2,000 00
W. E. Yeager	1,166 66	2,000 00
W. E. Davis, messenger	666 66	1,000 00
Late clerks:		
H. Schoonmaker	666 68	
J. W. Walsh	833 34	
C. B. Angle, messenger	333 34	
	\$5,000 00	

Office of Clerk of Court of Appeals.

Present clerks:		
R. M. Barber	\$1,525 00	1,500 00
G. Parks	1,525 00	1,500 00
F. J. Rogers	1,500 00	1,500 00
W. Honig, messenger	400 00	400 00
	\$4,950 00	

Office of State Engineer and Surveyor.

Present clerks:		
L. W. Midlam	\$2,000 00	2,000 00
H. S. Miller	1,000 00	1,500 00
Late clerk:		
A. V. Meeker	500 00	
	\$3,500 00	

(VI.)

ESTIMATED APPROPRIATIONS

Required for the expenses of government, and for other purposes, in pursuance of article 7, section 8, of the Constitution, and existing laws, for the fiscal year commencing on the 1st of October, 1881.

(In all cases where the Revised Statutes are referred to, see fifth edition.)

PAYABLE FROM THE GENERAL FUND.

Executive Department, etc. :

Governor, for salary, article 4, of section 4, of Constitution	\$10,000 00
Lieutenant-Governor, for salary, article 4, section 8, of the Constitution	5,000 00
Private secretary to the Governor, for salary, chapter 643, Laws of 1873	3,500 00
Compensation of clerks, stenographer and messenger in the Executive Department, including the military secretary and messenger, for full compensation, chapter 192, Laws of 1876	12,500 00
For incidental expenses of the government, Revised Statutes, volume 1, page 509	3,000 00
For apprehension of criminals, Revised Statutes, volume 1, page 509	500 00
For apprehension of fugitives from justice, Revised Statutes, volume 1, page 509	500 00
For repairs and incidental expenses of the Governor's house	2,000 00

Court of Appeals, viz. :

Judges of the Court of Appeals, for salaries and expenses, chapter 203, Laws of 1870, and chapter 718, Laws of 1871	63,500 00
State Reporter, for salary, chapter 541, Laws of 1872 ..	5,000 00
State Reporter, for clerk hire, chapter 192, Laws of 1876	2,000 00
Clerk of the Court of Appeals, for salary, chapter 718, Laws of 1871	5,000 00
Deputy Clerk of the Court of Appeals, for salary, chapter 541, Laws of 1872	3,000 00
Clerks in the office of the Clerk of the Court of Appeals, for salaries, chapter 541, Laws of 1872	4,500 00
For messenger to Clerk of Court of Appeals, for salary, chapter 192, Laws of 1876	400 00
Carried forward	\$120,400 00

Brought forward.....	\$120,400 00
For furniture, books, binding, blanks, printing calendar and other necessary expenses of the office of the Clerk of the Court of Appeals, chapter 645, Laws of 1869	2,500 00
For compensation of criers and attendants for the Court of Appeals, chapter 95, Laws of 1864, and chapter 238, Laws of 1871.....	6,000 00

Supreme Court, viz. :

Justices of the Supreme Court, for salaries, chapter 408, Laws of 1870, and chapter 541, Laws of 1872.	231,600 00
For the justices of the Supreme Court, in the second judicial district, not residing in the county of Kings, for additional compensation, pursuant to chapter 765 of the Laws of 1868, \$5,000; and for the stenographers appointed under said act, \$3,750. Said amounts to be paid only from moneys which shall have been or shall be paid into the treasury for taxes levied for the purposes of said act and in pursuance thereof.....	8,750 00
Expenses of general terms Supreme Court, chapter 408, Laws of 1870.	3,000 00
For the several Judicial District Libraries, chapter 400, Laws of 1880.....	5,400 00

Attorney-General's Office, viz. :

Attorney-General, for salary, chapter 145, Laws of 1875.....	5,000 00
For deputies in the office of the Attorney-General, for salaries, chapter 40, Laws of 1878.....	8,000 00
Clerks, stenographer and messenger in the office of the Attorney-General, for salaries, chapter 40, Laws of 1878, and chapter 141, Laws of 1880.....	6,500 00
For furniture, books, binding, blanks, printing, and other necessary expenses of the office of the Attorney-General, chapter 645, Laws of 1869	750 00
For costs of suits, fees of sheriffs, compensation of witnesses, and for expenses and disbursements by the Attorney-General, Revised Statutes, volume 3, page 930.....	2,000 00
For compensation and expenses of the Attorney-General, Revised Statutes, volume 1, page 487.....	500 00

Secretary of State's Office, viz. :

Secretary of State, for salary, chapter 135, Laws of 1875	5,000 00
Deputy Secretary of State and Clerk of the Commissioners of the Land Office, for salary, and for indexing the Session Laws and making marginal notes thereof, chapter 541, Laws of 1872.....	3,500 00

Carried forward.....	\$408,900 00
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Brought forward.....	\$408,900 00
Clerks in the Secretary of State's office, for salaries,	16,500 00
Messenger in the Secretary of State's office, for salary,	1,000 00
For furniture, books, binding, blanks, printing and other necessary expenses of the Secretary of State's office.....	2,000 00

Comptroller's Office, viz. :

Comptroller, for salary, chapter 145, Laws of 1875....	6,000 00
Deputy Comptroller, for salary, chapter 316, Laws of 1880.....	4,000 00
Clerks in the office of the Comptroller, for salaries...	23,000 00
Messenger in the office of the Comptroller, for salary,	400 00
For furniture, books, binding, blanks, printing and other necessary expenses of the office of the Comp- troller, chapter 280, Laws of 1864.....	2,000 00

Treasurer's Office, viz. :

Treasurer, for salary, chapter 145, Laws of 1875.....	5,000 00
Deputy Treasurer, for salary, chapter 541, Laws of 1872.....	3,500 00
Clerks in the office of the Treasurer, for salaries, chap- ter 541, Laws of 1872.....	7,500 00
For furniture, books, binding, blanks, printing and other necessary expenses in the office of the Treasu- rer, chapter 645, Laws of 1869.....	800 00

Department of Public Instruction, viz. :

Superintendent of Public Instruction, for salary, chap- ter 541, Laws of 1872.....	5,000 00
Deputy Superintendent of Public Instruction, for sal- ary, chapter 128, Laws of 1877.....	3,500 00
Clerks in the office of the Superintendent of Public Instruction, for salaries, chapter 373, Laws of 1875,	8,860 00
For furniture, books, binding, blanks, printing and other necessary expenses of the office of the Super- intendent of Public Instruction, chapter 541, Laws of 1872.....	2,000 00
For the Department of Public Instruction, for travel- ing expenses which may be incurred in the visita- tion of common schools, normal schools, teachers' institutes, Indian schools and other institutions un- der the supervision of that department.....	500 00

State Engineer and Surveyor's Office, viz.:

For salary of the State Engineer and Surveyor, chap- ter 141, Laws of 1880.....	5,000 00
Deputy State Engineer and Surveyor, for salary, chap- ter 398, Laws of 1874, \$3,500 ; for clerk hire, to as-	

Carried forward.....	\$505,460 00
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Brought forward.....	\$505,460 00
ist in the preparation of railroad reports, \$2,500 ; and for expenses of printing and binding said re- port, \$5,000 (to be refunded by the several railroad companies).....	11,000 00
Clerks in the office of the State Engineer and Surveyor, for salaries, chapter 541, Laws of 1872.....	3,500 00
For furniture, books, binding, blanks, printing and other necessary expenses of the office of the State Engineer and Surveyor, chapter 280, Laws of 1864.	750 00

Board of Audit, viz. .

For the Board of Audit, for compensation of a stenog- rapher, \$500 ; and for incidental expenses, \$250. . .	750 00
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Banking Department, viz. :

Superintendent of the Banking Department, for salary, \$5,000, Revised Statutes, volume 2, page 590 ; clerk hire, furniture, books, binding, blanks, printing and other necessary expenses of the office of the Super- intendent of the Banking Department, \$12,000 (to be refunded to the treasury), chapter 164, Laws of 1851.....	17,000 00
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Insurance Department, viz. :

Superintendent of the Insurance Department, for sal- ary, \$7,000, chapter 326, Laws of 1861, and 732, Laws of 1868 ; clerk hire, furniture, books, binding, blanks, printing and other necessary expenses of the Insurance Department, \$53,000 (to be refunded to the treasury), chapter 366, Laws of 1859.....	60,000 00
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State Assessors, viz. :

For compensation and traveling expenses of the State Assessors, chapter 351, Laws of 1874.....	9,000 00
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Auctioneers' Accounts, viz. :

For compensation of the agent to examine the ac- counts of auctioneers, Revised Statutes, volume 2, page 467, and chapter 547, Laws of 1866.....	1,200 00
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Weights and Measures, viz. :

Superintendent of weights and measures, for salary...	500 00
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Commissioners of Quarantine, viz. :

For salary to each of them, \$2,500.....	7,500 00
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Carried forward.....	\$616,660 00
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Brought forward.....	\$616,660 00
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Land Office, viz. :

For assessment and other expenses of public lands, and for the compensation and mileage of the Speaker of the Assembly, for attendance as Commis- sioner of the Land Office.....	500 00
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Public Offices, viz. :

For postage on official letters, documents, etc., of the Governor, Secretary of State, Comptroller, Treas- urer, Superintendent of Public Instruction, Attor- ney-General, State Engineer and Surveyor, Adjutant- General, Inspector-General and Clerk of the Court of Appeals.....	5,000 00
For stationery for the public offices, Revised Statutes, volume 1, page 480.....	4,000 00

Capitol, viz. :

For repairs, cleaning, labor, gas and other necessary expenses of the Capitol.....	7,500 00
Superintendent of the Capitol, for salary, chapter 733, Laws of 1872.....	1,200 00

State Hall, viz. :

For repairs, cleaning, labor, gas, and other necessary expenses of the State Hall.....	8,000 00
Superintendent of the State Hall, for salary, chapter 643, Laws of 1873.....	1,200 00

Regents of University, viz. :

Secretary of the Regents, for salary, chapter 541, Laws of 1872.....	2,500 00
Assistant Secretary, for salary, chapter 541, Laws of 1872	2,000 00
For compensation of botanist, chapter 541, Laws of 1872	1,500 00
For expense of postage, printing, stationery and com- pensation of messenger.....	4,000 00

State Library, viz. :

For purchase of books	4,000 00
For binding, lettering and marking books	1,500 00
For repairs, cleaning, gas, transportation of books, and other necessary expenses of the State Library.....	2,000 00
For the salaries of the librarians and assistants and janitor of the State Library, chapter 514, Laws of 1872	7,800 00

Carried forward.....	\$669,360 00
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Brought forward.....	\$669,360 00
<i>Hall for the State Cabinet of Natural History and the Agricultural Museum, viz. :</i>	
For the State Cabinet of Natural History, chapter 557, Laws of 1870.....	10,000 00
For repairs, cleaning, labor, gas, fuel and other neces- sary expenses, including the keeper's compensation of the Hall for the State Cabinet of Natural History,	5,000 00
<i>Fuel, viz. :</i>	
For fuel for the Capitol, the State Hall and the State Library.....	4,000 00
<i>Agriculture, viz. :</i>	
For donations to the societies in the several counties of this State, and the State Society, for the Promo- tion of Agriculture	28,000 00
<i>Legislature, viz. :</i>	
For compensation and mileage of members and offi- cers of the Legislature.....	365,000 00
For advances to the Clerks of the Senate and Assem- bly, for contingent expenses.....	15,000 00
For postage, expenses of committees, compensation of witnesses, Legislative Manual, Crosswell's Manual, Clerk's Manual, and other contingent expenses of the Legislature.....	18,000 00
<i>State Printing, viz. :</i>	
For the legislative printing for the State, including binding, mapping, engraving, publication of the official canvass and other official notices, chapter 24, Laws of 1846, and chapter 254, Laws of 1847.....	50,000 00
<i>State Prisons, etc., viz. :</i>	
For the support and maintenance of the several State prisons and for material and expenses of manufactur- ing, chapter 240, Laws of 1854, chapter 43, Laws of 1865, and chapter 458, Laws of 1866, and for ordinary repairs of the prisons.....	475,000 00
For the Superintendent of State Prisons, for salary, \$6,000; for necessary traveling expenses, \$1,000; and for necessary clerk hire and messenger, \$1,400; and for pay of janitor, fuel, postage, stationery, and other incidental expenses, \$500; chapter 24, Laws of 1877.....	8,900 00
For compensation of sheriffs, for the transportation of convicts to the prisons, asylum for insane convicts, houses of refuge and penitentiaries, chapter 123, Laws of 1849, and chapter 158, Laws of 1856; and chapter 666, Laws of 1871.....	15,000 00
Carried forward.....	\$1,663,260 00

Brought forward.....	\$1,663,260 00
For the maintenance of convicts sentenced to penitentiaries, in pursuance of chapter 158, Laws of 1856, chapter 584, Laws of 1865, chapter 667, Laws of 1866, chapter 574, Laws of 1869, chapter 247, Laws of 1874, and chapter 571, Laws of 1875.....	80,000 00
For refunding to prison contractors deposits, in pursuance of chapter 465, Laws of 1863.....	500 00

Discharged Convicts.

For the maintenance of the State agency for discharged convicts, pursuant to chapter 424, Laws of 1877, \$5,000; and for the State Agent for salary, \$2,500..	7,500 00
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Asylum for Insane Convicts, viz.:

For support and maintenance, including ordinary repairs of the Asylum for Insane Convicts, chapter 130, Laws of 1858.....	28,000 00
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State Lunatic Asylum, viz.:

For salaries of the officers of the State Asylum for Lunatics, chapter 135, Laws of 1842, chapter 595, Laws of 1867, and chapter 587, Laws of 1873.....	15,000 00
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Indian Affairs, viz.:

For payment of the annuities to the several Indian tribes, viz.:

Onondagas.....	\$2,430 00
Cayugas.....	2,300 00
Senecas.....	500 00
St. Regis.....	2,131 67
	7,361 67
For relief of the Onondaga Indians, chapter 206, Laws of 1858.....	300 00
For compensation of the agent of the Onondaga Indians, chapter 228, Laws of 1843, chapter 376, Laws of 1851, and chapter 281, Laws of 1870.....	200 00
For compensation of the agent of the Onondaga Indians, chapter 178, Laws of 1847, and chapter 635, Laws of 1869.....	65 00
For compensation of the agent of the Onondaga Indians on the Allegany and Cattaraugus reservation, chapter 233, Laws of 1857, and chapter 73, Laws of 1858.....	150 00
For compensation of the attorney of the St. Regis Indians, chapter 325, Laws of 1861.....	150 00
For compensation of the attorney of the Seneca Indians, chapter 150, Laws of 1845.....	150 00

Carried forward.....	\$1,752,636 67
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Brought forward.....	\$1,752.636 67
For compensation of the attorney for the Tonawanda band of Seneca Indians, chapter 839, Laws of 1867, and chapter 643, Laws of 1873.....	150 00

Onondaga Salt Springs, viz.:

For salary of the Superintendent, compensation of clerks and other persons employed, and other necessary expenses of the Onondaga Salt Springs, chapter 346, section 36, Laws of 1859.....	65,000 00
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Militia of the State, viz.:

For expenses of the National Guard of the State of New York, in pursuance of chapter 447, Laws of 1862.....	300,000 00
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Roads, etc.

For payments to commissioners of moneys received into the treasury for taxes on lands of non-residents, appropriated to the construction of roads.....	3,000 00
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County Treasurers, viz.:

For advances to county treasurers on account of taxes on property of non-residents, which may be returned to the Comptroller's office.....	60,000 00
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Transportation, viz.:

For expenses of transportation of the Session Laws, journals and documents of the Legislature, reports, books, etc., and packages by express for the public offices, and for expenses of boxes, chapter 254, Laws of 1847.....	5,000 00
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Repayment of Moneys, viz.:

For repayment of moneys to purchasers for redemption of land sold for taxes.....	30,000 00
For repayment of money erroneously paid into the treasury for taxes.....	5,000 00
For repayment of money in cases of failure of titles to lands sold by the State, Revised Statutes, volume 1, page 541.....	300 00
For repayment of money paid into the treasury through mistake, Revised Statutes, page 479.....	500 00

Miscellaneous, viz.:

For supplying other States with reports of the Court	
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Carried forward..... \$2,221,586 67

Brought forward.....	\$2,221,486 67
of Appeals, and of the Supreme Court, chapter 536, Laws of 1836.....	500 00
For the prosecution of the State survey, chapter 216, Laws of 1878....	15,800 00
For the prosecution of the Adirondack survey, chap- ter 370, Laws of 1878.....	10,000 00

Soldiers and Sailors' Home.

For the State Soldiers and Sailors' Home, and for transportation of applicants, and for ordinary re- pairs	70,000 00
For expenses of the board of pilot commissioners, New York	4,500 00
For the Inspector of gas-meters, for salary and contin- gent expenses, chapter 116, Laws of 1860.....	2,500 00
For the shore inspector, for salary, chapter 604, Laws of 1875.....	2,000 00
To the trustees of Washington's head-quarters, for compensation of superintendent, and for care, main- tenance, repairs and improvement of grounds	1,000 00
For the compensation and expenses of the game and fish protectors, chapter 591, Laws of 1880.....	6,000 00

Deaf and Dumb, viz.:

For support and instruction of 300 pupils at the In- stitution for Deaf and Dumb, New York, chapter 97, Laws of 1852, or a proportionate amount for a shorter period of time than one year, or for a smaller number of pupils, as shall be duly verified by affi- davits of the president and secretary of the institu- tion	67,500 00
For the support and instruction of 80 pupils at the Institution for the Improved Instruction of Deaf Mutes in New York, pursuant to chapter 180, Laws of 1870, or a proportionate amount for a shorter period of time than one year, or for a smaller num- ber of pupils as shall be duly verified by affidavits of the president and secretary of the institution ...	18,000 00
For the support and instruction of 50 pupils at the Le Conteuilx St. Mary's Institution for the Improved Instruction of Deaf Mutes, at Buffalo, pursuant to the provisions of chapter 670, Laws of 1872, and sections 9 and 10 of title 1, chapter 555, Laws of 1864, or a proportionate amount for a shorter period of time than one year, or for a smaller number of pupils, to be paid by the Comptroller, upon the cer- tificate and oath of the president and secretary of the said institution	11,250 00
For the support and instruction of 90 pupils at the	

Carried forward..... \$2,430,636 67

Brought forward	\$2,430,636 67
Central New York Institution for Deaf Mutes, Rome, N. Y.	20,250 00
For the support and instruction of 60 pupils at the St. Joseph's Institution for the Improved Instruction of Deaf Mutes, at Fordham.....	13,500 00
For the support and instruction of 70 pupils at the Western New York Institution for Deaf Mutes, at Rochester	15,750 00

*Thomas Asylum for Orphan and Destitute Indian
Children, viz.:*

For the Thomas Asylum for Orphan and Destitute Indian Children, for the education and maintenance of 100 children, in pursuance of chapter 162, Laws of 1875. at the rate of eighty-five dollars <i>per capita</i> ,	8,500 00
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Blind, viz.:

For the support and instruction of 200 pupils at the Institution for the Blind, in New York, or a propor- tionate amount for a shorter period of time than one year, or for a smaller number of pupils, as shall be duly verified by affidavits of the president and secre- tary of the institution.....	45,000 00
For maintenance of inmates of the Institution for the Blind, and for ordinary repairs, Batavia.....	35,000 00

Juvenile Delinquents, viz.:

For the Society for the Reformation of Juvenile De- linquents, in the city of New York	70,000 00
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House of Refuge, viz.:

For the House of Refuge, Western New York.....	70,000 00
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Idiot Asylum, viz.:

For the State Asylum for Idiots, Syracuse	45,000 00
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Custodial Asylum.

For the support and maintenance of the Custodial Asylum, and for ordinary repairs	15,000 00
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Willard Asylum for the Insane, viz.:

For salaries	11,850 00
For the support of Mark Jack, an insane Indian.....	250 00

Carried forward.....	\$2,780,736 67
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Brought forward..... \$2,780,736 67

Hudson River State Hospital for the Insane, viz.:

For salaries 8,000 00

State Homœopathic Asylum.

For the State Homœopathic Asylum for the Insane,
for salaries 8,000 00

State Board of Charities, etc., viz.:

For the salary of the State Commissioner in Lunacy,
\$4,000, and for traveling and other incidental ex-
penses of said commissioner, \$1,000, or so much
thereof as may be necessary..... 5,000 00

For salary of secretary, \$3,500; expenses of commis-
sioners, secretary and office contingencies, \$4,000.. 7,500 00

For support and care of State paupers, per chapter
661, Laws of 1873..... 25,000 00

PAYABLE FROM THE FREE SCHOOL FUND, viz.:

For support of the common schools of the State, or
so much of the amount as shall be received from the
tax of 1881..... 2,750,000 00

For the State Normal School at Albany, Buffalo, Brock-
port, Cortland, Fredonia, Geneseo, Oswego and Pots-
dam, for their maintenance, to each of them, \$18,000 144,000 00

For the maintenance of the Teachers' Institutes, pur-
suant to chapter 555, Laws of 1854 18,000 00

For the salaries of the commissioners of common
schools 90,000 00

PAYABLE FROM SCHOOL FUND, viz.:

Capital, viz.:

For investment, in pursuance of chapter 194, Laws of
1849, \$1,000,000, or so much thereof as may be
necessary..... 1,000,000 00

Revenues, viz.:

For dividends to common schools, Revised Statutes,
volume 1, page 538..... 170,000 00

For support of Indian schools, chapter 71, Laws of
1856..... 5,000 00

For refunding money paid into the treasury for re-
demption of lands sold for arrears of consideration,
chapter 457, Laws of 1836 500 00

Carried forward..... \$7,011,736 67

Brought forward.....	\$7,011,736 67
For refunding surplus moneys received on resales of lands, Revised Statutes, volume 1, page 496.....	500 00
For expenses of lands, Revised Statutes, volume 1, page 554.....	200 00

PAYABLE FROM THE LITERATURE FUND, VIZ.:

For dividends to the academies, chapter 237, Laws of 1838.....	12,000 00
For the purchase of text-books, maps and globes, philosophical and chemical apparatus for the academies. Revised Statutes, volume 2, page 72.....	3,000 00

PAYABLE FROM THE UNITED STATES DEPOSIT FUND, VIZ.:

Capital:

For investment, in pursuance of chapter 150, Laws of 1837 (\$50,000), or so much thereof as may be necessary.....	500,000 00
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Revenues:

For dividends to common schools, chapter 237, Laws of 1838, chapter 179, Laws of 1856.....	75,000 00
For dividends to academies, chapter 237, Laws of 1838,	28,000 00
For amount to be added to the capital of the School Fund (article 9 of the Constitution).....	25,000 00
For instruction of common school teachers in the academies and Union Schools designated by the Regents of the University, chapter 425, Laws of 1877,	30,000 00
For establishing and conducting examinations, in accordance with chapter 425, Laws of 1877.....	5,000 00
For refunding money erroneously paid into the treasury, Revised Statutes, volume 1, page 479.....	1,000 00

PAYABLE FROM THE COLLEGE LAND SCRIP FUND.

Revenue:

For the Cornell University, pursuant to chapter 585, Laws of 1865.....	25,000 00
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PAYABLE FROM THE MILITARY RECORD FUND

Revenue:

For expenses of the Bureau of Military Statistics....	2,700 00
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PAYABLE FROM THE ELMIRA FEMALE COLLEGE EDUCATIONAL FUND.

Revenue:

For the Elmira Female College, chapter 643, Laws of 1867.....	3,500 00
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\$7,722,636 67

(VII.)

SCHEDULE of the duties paid by the several auctioneers in the State during the year ending September 30, 1880, viz.:

Albany.....	J. S. Dickerman	\$39 57
	J. H. Simmons	4 50
	Alex. Kennedy.....	45
Binghamton..	Daniel Lyons.....	16 98
Brooklyn.....	John Moriarity.....	36
	Oscar Goerke.....	60
Buffalo.....	Mary & Doll.....	3 75
	Henry English.....	4 50
	Robert McCann.....	8 81
New York....	F. G. Wolbert.....	12,135 73
	J. O. Wilmerding.....	8,309 13
	James Williams.....	4,738 55
	George A. Leavitt & Co.....	2,584 26
	William Topping.....	1,327 83
	John H. Draper.....	769 73
	E. E. Hoyt.....	661 68
	Edward Schenck.....	473 61
	R. G. Haydock.....	372 47
	Thomas E. Kirby.....	309 53
	Eugene Bissell.....	226 96
	Henry Scudder.....	179 22
	Andrew Merwin.....	146 89
	H. B. Hertz.....	127 66
	George J. Banks.....	123 89
	J. W. Wiseman.....	76 48
	D. A. Matthews.....	76 94
	J. H. Austin.....	41 79
	Edward L. Lewis.....	33 89
	E. M. Brown.....	29 48
	Simon Hermon.....	28 69
	S. B. Vickers.....	28 43
	John McHugh.....	19 65
	D. Clarkson.....	16 26
	William Shannon.....	15 00
	Richard Field.....	12 15
	D. H. Burdett.....	10 66
	James M. Watt.....	10 25
	Philip Ford.....	10 18
	George W. Keeler.....	5 25
	L. M. Hayes.....	4 83
	C. G. Mortimer.....	1 38
	James E. Halsey.....	1 22
	William Abbott.....	80
	J. H. Holmes.....	46

Carried forward..... \$32,990 45

ANNUAL REPORT OF THE COMPTROLLER.

67

Brought forward...		\$32,990 45
New York ... F. P. Smith.....		28
	James Cagney.....	26
Oswego	Hiram Allen	3 04
Schenectady ..	Jesse C. Abbott.....	3 88
	J. B. Schermerhorn	06
Total.		<u>\$32,997 97</u>

(VIII.)

OFFICE OF THE SUPERINTENDENT OF THE ONONDAGA SALT SPRINGS, }
 SYRACUSE, October 7, 1880. }

To the HON. JAMES W. WADSWORTH, *Comptroller of the State of New York*:

SIR — The thirteenth section of chapter 346 of the Laws of 1859 provides that the superintendent shall, at the expiration of each fiscal year ending on the 30th day of September, or within ten days thereafter, make a report to the Comptroller, stating the quantity of salt inspected during the previous year, the amount of revenues accruing thereon, and from other sources, the expenditures and the amount which in his judgment will be necessary for the support of the Salt Springs for the ensuing year."

In obedience to this provision of the law I have to report, that the quantity of salt inspected the last fiscal year was (8,481,473) eight million four hundred and eighty-one thousand, four hundred and seventy-three bushels.

The revenue accruing thereon was.....	\$84,815 05
The revenue from rents, penalties and sales.....	294 70
The expenditures for the fiscal year ending September 30, 1880, were by Calvin G. Hinkley, former superintendent, for four months commencing October 1, 1879, was.....	\$85,109 75
The expenditures for eight months commencing February 1, 1880, balance of fiscal year, was.....	\$36,182 12
	48,742 28
Making a total expenditure of.....	84,924 40
Leaving a surplus revenue of.....	\$185 35

The amount drawn from the treasury, by the superintendent, during the fiscal year was \$89,730.59.

In addition to this amount there was in the hands of the superintendent, at the beginning of the last fiscal year, the sum of \$2,432.87, remaining from moneys unexpended and drawn from the treasury, and there is now unexpended and in the hands of the superintendent, the sum of \$7,239.06, applicable to the payment of expenses for the fiscal year just commenced.

The books in the Comptroller's office show only the expenditures up to the month of September. The vouchers for expenditures for that month, which amount to \$3,654.78, will not be sent to that office until the 1st day of November, when the regular settlement for two months, September and October, will be made as provided by law.

The following is an estimate in detail of the amount of money which it will be necessary to expend for the support of the Salt Springs for the fiscal year commencing October 1, 1881:

ESTIMATE.

For salaries of officers	\$23,000 00
New aqueducts	2,000 00
Addition to reservoir at Liverpool, district No. 3. . .	2,500 00
Repairs of old aqueducts.	2,000 00
Repairs of machinery	5,500 00
Rebuilding water wheel at Salina, district No. 2. . .	2,000 00
Labor and teaming.	8,000 00
Coal for steam engines and boilers.	9,000 00
Services of engineers of steam engines.	3,200 00
New wells, resinking and cleaning old.	4,000 00
Merchandise and oil.	2,000 00
Lumber and miscellaneous.	1,800 00
	\$65,000 00

The items of the foregoing estimate of \$65,000 are as nearly divided among the various objects of expenditures as is practicable, at this distance of time.

Respectfully submitted,

N. STANTON GERE,

Supt. Onondaga Salt Sp'gs.

(IX.)

COST OF STATIONERY

Delivered to the public offices, etc., during the fiscal year ending September 30, 1880.

Adjutant-General's office.....	\$346 48
Attorney-General's office.....	196 47
Auditor Canal Department.....	27 27
Bank Department.....	35 97
Board of Audit.....	1 88
Comptroller's office.....	379 00
Clerk Court of Appeals and Judges.....	368 89
Commissioners of Public Charities.....	61 90
Commissioners to Revise Military Code.....	20 72
Department of Public Instruction.....	176 59
Executive Department.....	466 28
Geological Rooms.....	11 61
Insurance Department.....	79 44
Inspector-General.....	64 65
Public Works, Department of.....	49 83
Paymaster-General's office.....	9 40
State Engineer and Surveyor's office.....	140 80
State Board of Health.....	153 28
Superintendent of Adirondack survey.....	14 45
Secretary of State.....	599 22
Superintendent of State Prisons.....	15 24
Treasurer's office.....	152 22
	\$3,371 59

The following amounts have been refunded to the treasury during the past year for stationery furnished to certain State departments and for cash sales.

Bank Department.....	\$69 04
Canal Department (Auditor).....	27 27
Department of Public Works.....	49 68
Insurance Department.....	79 44
Superintendent of State Prisons.....	33 16
Sundry cash sales.....	149 42
	\$408 01

(X.)

SCHEDULE showing the amount of town, county, school and State taxes, and the rate of taxation on each dollar of the aggregate valuation for the year 1880, as fixed by the Board of Equalization, from the returns to the Comptroller's office for 1879, and the aggregate of said equalized valuations of real and personal property in the several counties of this State. (For valuations of 1880, returned to the Comptroller's office, see Schedule XI.)

COUNTIES.	Aggregate equalized valuations.	Town taxes.	County taxes.	1.85-1000 mill school tax.	2.415-1000 mills State tax.	Aggregate taxation.	Rate of tax on \$1 valuation, in cents.
Albany.	\$68,426,226	\$914,525 28	\$460,953 96	\$74,242 46	\$165,249 34	\$1,614,971 06	2.360
Allegany.	11,198,467	29,928 16	49,898 83	12,160 34	27,044 29	118,011 64	1.053
Broome.	13,216,252	44,022 60	37,837 48	14,359 63	81,917 25	138,296 96	0.970
Cattaraugus.	12,675,319	48,048 17	45,721 48	14,078 22	81,335 40	139,188 28	1.078
Cayuga.	24,384,261	148,187 02	56,990 80	28,467 77	58,912 14	290,527 73	1.190
Chautauqua.	21,161,745	93,514 41	56,046 94	22,900 49	61,105 62	224,627 48	1.053
Chemung.	13,300,922	53,396 66	68,094 77	14,431 50	23,121 73	168,046 66	1.263
Chenango.	15,559,064	172,930 94	69,202 77	16,882 59	37,577 39	277,208 51	1.732
Clinton.	8,384,065	59,457 20	50,194 67	9,074 98	20,190 07	138,085 98	1.601
Columbia.*	27,370,654	51,719 62	37,051 34	29,697 16	66,100 13	294,568 45	0.957
Corlumbia.	8,704,109	49,144 26	41,675 65	9,541 61	21,275 77	112,310 12	1.292
Delaware.	11,185,891	128,478 54	24,889 48	12,138 15	27,012 72	302,301 06	1.671
Dutchess.	41,001,927	185,694 50	141,300 59	44,487 08	59,019 65	385,501 83	0.941
Essex.	8,757,132	58,237 45	53,704 40	8,459 02	187,003 94	867,844 81	1.063
Franklin.	5,622,452	43,851 68	31,613 67	7,162 00	21,149 62	106,081 97	1.211
Fulton.	5,258,706	30,753 57	44,558 30	7,781 66	15,963 30	74,833 50	1.181
Genesee.	17,420,061	61,459 79	23,124 21	18,000 76	42,069 42	94,282 34	1.756
Greene.	9,041,571	22,092 72	49,889 19	9,810 10	21,835 40	143,337 41	1.585
Hamilton.	785,009	5,069 88	1,000 00	862 39	1,967 24	14,819 51	1.896
Herkimer.	14,753,546	51,697 44	41,450 81	16,051 00	35,736 41	144,885 66	0.979
Jefferson.*	21,674,631	116,574 81	129,646 53	23,406 20	32,097 69	321,725 20	1.491
Kings.	261,999,141	4,354,975 84	1,218,219 38	273,419 07	693,577 52	6,456,162 21	2.561
Lewis.*	7,682,166	29,857 67	26,137 00	8,885 14	18,552 41	82,883 02	1.078
Livingston.	17,817,282	56,761 06	51,163 14	19,831 76	43,028 74	170,276 21	0.955
Madison.	15,896,265	71,873 91	61,962 12	17,149 80	38,173 13	194,537 96	1.231
Monroe.	55,894,590	82,365 20	198,065 37	60,613 08	184,912 86	475,896 63	0.951
Montgomery.	14,924,913	45,746 08	49,948 05	16,163 53	26,048 86	147,651 32	0.982

SCHEDULE X — (Continued.)

COUNTIES	Aggregate equalized valuation.	Town taxes.	County taxes.	1.85-1000 mill school tax.	2.45-1000 mills State tax.	Aggregate taxation.	Rate of tax on 1% valuation, in cents.
New York.....	\$1,219,349,235		\$23,875,269 48	\$1,322,993 97	\$2,944,728 53	\$28,142,991 96	2.308
Niagara.....	19,977,971	\$56,158 00	63,163 24	31,076 10	48,246 80	189,244 14	0.947
Oneida*.....	48,275,956	127,985 63	145,808 77	46,954 41	104,511 44	424,960 25	0.982
Ontonaga.....	48,017,191	164,380 30	153,466 16	52,068 65	115,991 52	485,908 53	1.012
Ontario.....	22,870,169	50,390 61	65,062 12	24,814 13	55,231 46	165,498 32	0.854
Orange.....	36,322,969	122,879 63	199,129 74	39,410 42	87,719 97	439,098 70	1.208
Orleans.....	19,079,770	31,312 65	57,545 86	14,188 30	31,580 86	134,627 30	1.080
Oswego*.....	20,184,971	245,162 82	181,138 12	21,911 54	48,770 86	443,983 34	2.213
Otsego.....	17,116,150	78,325 61	121,118 39	18,571 02	41,335 50	259,350 52	1.515
Putnam.....	6,832,993	13,000 49	25,029 84	7,381 15	16,429 01	61,940 49	0.909
Queens.....	88,243,721	165,071 33	219,737 66	41,492 66	92,122 81	618,718 29	1.356
Rensselaer.....	41,459,721	116,046 98	179,218 80	44,892 71	100,122 81	440,871 34	1.082
Richmond*.....	10,046,475	46,758 94	168,244 94	10,900 45	24,262 23	250,165 64	2.490
Rockland.....	11,047,534	50,540 54	32,829 73	11,943 67	44,469 88	81,998 94	0.742
Saratoga.....	83,082,369	27,031 63	72,031 63	19,979 23	20,963 01	219,593 62	1.102
Schenectady.....	18,414,028	41,324 33	22,033 40	9,418 18	19,849 91	142,932 07	1.645
Schoharie.....	8,690,357	16,768 91	41,920 42	8,918 08	14,010 83	112,022 74	1.382
Schoharie.....	8,219,627	16,768 91	21,975 53	6,294 73	14,010 83	101,941 26	1.080
Schenectady.....	19,809,460	32,551 12	72,315 00	13,653 51	20,730 10	106,036 46	0.961
St. Lawrence.....	20,534,323	94,322 72	77,573 70	22,171 84	49,246 89	226,298 35	1.107
Sullivan.....	11,598,244	44,873 02	42,871 46	19,354 65	35,194 04	138,669 37	1.235
Suffolk.....	4,594,226	60,800 80	39,366 23	4,867 13	32,761 80	106,011 90	0.963
Sullivan*.....	9,426,174	80,076 96	82,564 23	10,226 81	10,877 78	145,629 62	1.556
Toga*.....	11,643,904	96,594 51	80,666 41	19,631 23	43,806 02	167,937 98	1.443
Ulster.....	16,139,386	18,416 70	167,004 36	11,239 07	43,806 02	446,816 97	2.465
Warren.....	4,663,969	38,913 67	22,665 18	5,049 44	11,239 07	68,860 89	1.254
Washington.....	19,743,966	28,913 67	35,090 34	21,427 53	47,662 86	143,024 00	0.724
Wayne.....	69,801,725	76,067 23	42,046 61	22,455 28	49,869 81	180,377 93	0.921
Westchester*.....	66,801,725	241,968 78	873,363 16	72,479 93	161,938 81	948,948 18	1.370
Wyoming*.....	10,536,138	53,618 47	23,000 00	11,430 62	25,442 36	113,491 61	1.077
Yates.....	10,784,450	33,760 68	22,846 69	11,701 13	26,044 42	94,341 61	0.874
Total.....	\$2,637,866,238	\$9,565,874 81	\$90,819,566 04	\$2,893,068 12	\$6,870,454 21	\$49,117,782 18	1.832

* No returns received from these counties; the town and county taxes are from returns of previous years.

† City covers the whole county, and is included in county taxes.

‡ Includes city levies.

(XI.)

SCHEDULE showing the valuation of real and personal property in the several counties of this State, as returned to the Comptroller's office for the year 1880; also, the number of acres of land assessed in each county.

COUNTIES.	Acres of land assessed.	Assessed value of real estate.	Assessed value of personal estate.	Corrected aggregate valuations.
Albany	271,402	\$49,151,806	\$3,911,980	\$53,063,786
Allegany	638,569	12,409,403	1,043,406	13,452,811
Broome	430,120	17,108,863	1,263,078	18,371,941
Cattaraugus	802,496	18,754,283	1,815,013	20,569,296
Cayuga	413,633	28,820,701	3,069,993	29,916,804
Chautauqua	652,894	23,596,947	2,780,656	26,377,602
Chemung	246,345	17,436,376	637,895	18,094,161
Chenango	547,226	16,477,431	2,724,718	19,202,149
Clinton	900,801	8,269,617	1,053,580	9,323,097
Columbia*	382,656	22,091,273	4,853,845	26,925,118
Cortland	310,422	8,277,235	1,120,199	9,397,404
Delaware	869,029	11,054,387	1,556,903	12,611,290
Dutchess	466,254	36,685,428	7,043,754	43,588,909
Erie*	612,846	108,987,811	9,470,470	118,458,281
Essex	955,784	10,813,260	750,727	11,563,987
Franklin	804,263	6,687,496	1,095,670	7,783,166
Fulton	286,067	3,857,439	350,583	3,714,022
Genesee	309,802	14,189,484	2,456,785	16,646,269
Greene	370,242	4,519,687	497,973	5,017,660
Hamilton	718,350	493,207	850	494,057
Herkimer	723,484	11,620,190	1,403,491	13,023,681
Jefferson*	733,585	27,209,491	3,970,151	31,179,642
Kings	...	235,101,272	11,919,394	247,020,666
Lewis*	754,288	6,908,317	867,395	7,865,712
Livingston	381,104	20,890,387	2,380,844	23,280,181
Madison	387,904	17,496,788	2,442,270	19,939,058
Monroe	386,284	66,915,096	3,112,407	70,027,503
Montgomery	230,185	10,461,066	791,081	11,252,147
New York	...	942,571,090	201,194,037	1,143,765,727
Niagara	307,256	26,652,319	1,882,928	28,535,247
Oneida*	734,518	44,253,070	5,197,993	49,451,062
Onondaga	460,270	62,631,477	7,444,135	70,075,612
Ontario	391,985	30,727,155	8,740,010	39,467,165
Orange	485,697	31,322,862	5,876,580	37,199,442
Orleans	238,590	15,893,039	1,714,495	17,607,534
Oswego*	578,674	24,528,171	1,439,775	25,967,946
Otsego	606,937	10,731,031	1,527,617	12,258,648
Putnam	122,683	6,933,605	1,531,175	8,464,780
Queens	171,431	23,028,146	2,388,945	25,417,091
Rensselaer	392,025	23,965,613	4,049,572	28,015,185
Richmond*	30,363	9,433,712	463,050	9,896,762
Rockland	99,279	9,043,908	2,311,577	11,355,486
Saratoga	422,843	19,567,476	1,804,867	21,372,343
Schenectady	116,855	5,723,522	668,807	6,392,329
Schoharie	374,904	6,856,111	844,607	7,700,718
Schuyler	119,411	6,219,043	673,153	6,892,196
Seneca	198,214	13,208,113	1,780,655	15,049,768
St Lawrence	1,605,417	24,385,688	1,963,525	26,347,353
Steuben	835,000	21,829,491	2,112,961	23,942,452
Suffolk	439,909	12,272,845	1,835,225	14,108,070
Sullivan*	904,508	5,800,548	240,355	6,040,943
Tioga*	315,040	12,053,276	860,680	12,913,956
Tompkins	292,387	10,071,637	1,426,013	11,497,650
Ulster	661,374	18,062,228	2,930,937	20,993,165
Warren	496,983	2,180,909	446,965	2,627,874
Washington	494,383	15,623,154	2,532,274	18,155,428
Wayne	347,043	20,567,240	1,719,999	22,287,239
Westchester*	...	52,095,188	8,579,658	60,674,846
Wyoming*	370,195	11,840,917	1,236,078	13,076,995
Yates	206,596	7,594,374	790,400	8,384,774
	†26,913,784	\$2,341,515,866	\$342,630,020	\$2,684,145,886

*No returns received from these counties, therefore taken from the statements of previous year.

†Exclusive of cities.

(XII.)

SCHEDULE showing the aggregate valuations of real and personal property, the State and local taxes, and the rate per cent for each year, from 1845 to 1880, inclusive

YEAR.	Aggregate valuation.	State taxes, exclusive of school tax.	Town, county and school tax.	Total taxes.	Rate of tax on \$1 valuation, in cents.
1845.	\$905,646,095	\$301,309 62	\$3,806,218 33	\$4,170,527 95	0.688
1846.	916,824,955	370,557 44	4,276,904 44	4,647,461 88	0.753
1847.	632,869,963	302,579 37	4,541,046 33	4,843,625 60	0.765
1848.	651,610,565	325,638 72	4,969,819 51	5,295,458 23	0.813
1849.	665,850,727	334,555 95	5,214,423 22	5,548,979 17	0.833
1850.	727,494,553	384,003 75	5,943,783 56	6,312,787 33	0.867
1851.	1,077,331,680	578,546 88	6,190,361 38	6,759,438 26	0.687
1852.	1,168,335,237	292,641 69	6,715,046 30	7,007,688 08	0.600
1853.	1,295,696,190	1,295,125 88	8,090,097 03	9,385,221 91	0.737
1854.	1,364,154,035	1,020,686 49	8,615,164 36	9,635,850 85	0.706
1855.	1,402,849,304	1,751,717 78	9,924,454 32	11,676,172 30	0.832
1856.	1,430,324,696	1,430,000 02	11,813,545 04	13,242,845 06	0.890
1857.	1,453,309,713	3,231,775 43	11,941,392 94	15,163,138 36	1.037
1858.	1,404,913,679	2,457,533 80	12,963,004 73	15,425,538 53	1.098
1859.	1,404,913,679	2,458,599 10	13,894,857 46	16,353,456 56	1.184
1860.	1,419,297,520	4,376,167 35	14,573,857 15	18,950,024 50	1.335
1861.	1,444,767,949	4,505,523 19	15,898,753 29	20,402,276 48	1.415
1862.	1,454,454,817	5,797,215 79	13,669,072 61	19,466,288 40	1.342
1863.	1,500,993,817	6,754,499 45	14,863,367 60	21,618,867 05	1.564
1864.	1,500,993,817	6,067,813 77	33,115,446 11	39,183,260 56	2.653
1865.	1,500,993,817	7,067,042 63	30,369,632 85	37,436,675 48	2.649
1866.	1,531,226,626	7,967,042 63	33,199,302 06	41,166,344 69	2.695
1867.	1,531,226,626	10,567,094 09	35,631,327 54	46,198,421 63	2.705
1868.	1,796,196,140	4,138,028 57	38,263,720 51	42,401,749 08	2.508
1869.	1,860,120,720	11,827,225 07	38,025,405 12	49,852,630 21	2.683
1870.	1,867,001,136	9,048,271 24	38,631,459 14	47,679,730 38	2.535
1871.	2,032,857,896	16,970,067 99	39,639,215 08	56,609,283 07	2.841
1872.	2,086,827,445	12,138,870 40	40,541,538 13	52,680,408 53	2.516
1873.	2,129,626,896	13,016,847 24	39,303,665 87	52,320,513 11	2.404
1874.	2,168,807,873	11,246,955 48	44,736,594 69	55,983,470 69	2.604
1875.	2,367,750,102	5,446,340 23	46,679,515 21	52,045,855 44	2.114
1876.	2,496,267,273	6,628,803 16	44,610,960 91	51,244,764 08	1.823
1877.	2,756,740,318	5,013,971 22	43,089,870 75	48,047,241 97	1.754
1878.	2,738,878,600	6,773,269 34	42,876,205 80	49,649,475 04	1.755
1879.	2,686,189,133	6,370,454 21	42,741,327 97	49,111,782 18	1.832
1880.	2,687,869,233				

(XIII.)

SCHEDULE showing the rate of State tax on each dollar of the aggregate valuations of property, from 1816 to 1880, both inclusive.

	Mills.		Mills.
1816	2	1856	1 $\frac{3}{4}$
1817	2	1857	3
1818	2	1858	2 $\frac{1}{2}$
1819	1	1859	2 $\frac{1}{2}$
1820	1	1860	3 $\frac{5}{8}$
1821	1	1861	3 $\frac{5}{8}$
1822	1	1862	4 $\frac{3}{4}$
1823	1	1863	5
1824	1	1864	5 $\frac{1}{4}$
1825	$\frac{1}{2}$	1865	4 $\frac{5}{8}$
1826	$\frac{1}{2}$	1866	5 $\frac{1}{8}$
1842	1	1867	7 $\frac{3}{8}$
1843	1	1868	5 $\frac{1}{8}$
1844	1 $\frac{1}{10}$	1869	5 $\frac{1}{8}$
1845	$\frac{6}{10}$	1870	7 $\frac{1}{10}$
1846	$\frac{6}{10}$	1871	5 $\frac{19}{100}$
1847	$\frac{1}{10}$	1872	9 $\frac{3}{8}$
1848	$\frac{1}{10}$	1873	6 $\frac{25}{100}$
1849	$\frac{1}{10}$	1874	7 $\frac{1}{4}$
1850	$\frac{1}{10}$	1875	6
1851	$\frac{1}{10}$	1876	3 $\frac{1}{4}$
1852	$\frac{1}{4}$	1877	3 $\frac{1}{4}$
1853	1	1878	2 $\frac{1}{10}$
1854	$\frac{3}{4}$	1879	2 $\frac{863}{1000}$
1855	1 $\frac{1}{4}$	1880	3 $\frac{1}{2}$

XIV.

To the Comptroller of the State of New York :

In pursuance of the requirements of chapter 481 of the Laws of 1866, I, Emmons L. Williams, acting treasurer of the Cornell University, respectfully report :

That for the year ending November 1, 1880, contracts for the sale of land, and of pine timber (land reserved) were made as follows :

For 17,634 ²⁴ / ₁₀₀ acres of land for the price of.....	\$112,571 72
Deduct sale made to one M. McGuire, July, 1878, of 2,680 acres at \$40,000, which sale was reported last year. The contract was not fulfilled and subse- quently canceled.	
For the pine timber on 6,875 ¹² / ₁₀₀ acres for.. ..	\$61,000 00
The cash receipts during the same period, on account of the above sales, and of sales heretofore reported, were.....	\$104,147 74
The cash disbursements, during same period, on ac- count of taxes and necessary expenses, were....	\$54,307 86

Respectfully submitted,

EMMONS L. WILLIAMS,

Acting Treasurer.

ITHACA, N. Y., December 24, 1880.

STATE OF NEW YORK, }
Tompkins County, } ss. :

Emmons L. Williams, being duly sworn, deposes and says, he is the acting treasurer of the Cornell University; that he has read the foregoing report, and carefully examined the books and accounts upon which it is founded, and that the same is correct and true to the best of his knowledge, information and belief.

EMMONS L. WILLIAMS.

Sworn before me, this 24th }
day of December, 1880. }

G. VAN RENSSELAER, *Notary Public.*

(XV.)

SCHEDULE showing the amount of taxes on lands of non-residents returned for the years 1877, 1878 and 1879, with the amount thereof admitted and rejected from said returns; also the amount of said rejected taxes which have been corrected and subsequently admitted.

COUNTIES.	1877.				1878.				1879.			
	Returned.	Admitted.	Rejected.	Rejected taxes corrected and subsequently admitted.	Returned.	Admitted.	Rejected.	Rejected taxes corrected and subsequently admitted.	Returned.	Admitted.	Rejected.	Rejected.
Albany.....	\$3,038 35	\$295 19	\$1,557 16	\$226 35	\$243 39	\$567 31	\$275 96	.....	\$730 59	\$441 68	.....	\$259 31
Allegany.....	1,056 75	520 05	536 67	38 64	774 37	468 17	308 70	.....	194 81	57 85	.....	156 96
Broome.....	126 79	45 48	80 36	22 94	233 43	84 57	148 86	.....	.....	.....	.....	.....
Cattaraugus.....	5,839 87	2,549 63	3,291 25	289 70	5,909 52	2,504 72	3,404 80	.....	.....	.....	.....	.....
Cayuga.....	4,039 47	2,562 90	1,476 59	776 75	4,200 57	4,001 68	198 89	.....	2,154 83	2,113 84	.....	40 99
Chemung.....	1,739 78	494 12	1,245 66	.....	.....	.....	.....	.....	.....	.....	.....	.....
Chenango.....	58 78	.....	58 78	46 55	60 10	60 10	.....	.....	24 74	14 49	.....	20 25
Clinton.....	494 04	223 88	270 16	54 31	418 81	281 34	136 97	.....	1,058 04	452 56	.....	605 48
Columbia.....	11,932 20	9,032 45	2,900 75	904 04	10,749 24	8,794 88	1,953 36	.....	8,304 49	5,533 85	.....	2,770 64
Cortland.....	2,504 78	1,285 28	1,219 50	135 01	1,441 32	1,366 43	1,074 90	.....	1,618 26	281 29	.....	1,336 97
Delaware.....	7,864 11	4,450 32	2,413 25	222 04	4,323 14	2,422 10	1,900 04	.....	3,417 05	1,579 13	.....	1,837 87
Dutchess.....	622 09	461 05	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Essex.....	604 05	191 70	532 35	.....	1,139 19	162 79	976 40	.....	845 10	161 35	.....	681 75
Franklin.....	20,677 22	14,547 89	6,119 36	593 13	20,743 67	15,076 44	5,719 23	.....	13,649 59	14,286 95	.....	4,861 03
Fulton.....	13,066 53	13,683 51	4,265 02	824 07	17,868 84	15,107 42	2,761 42	.....	16,060 43	13,769 37	.....	2,296 91
Genesee.....	832 65	1,053 00	1,827 08	230 58	2,868 91	1,619 24	1,073 67	.....	2,620 32	1,364 91	.....	1,255 41
Hamilton.....	1,787 81	28 13	276 53	2 70	66 42	11 02	55 40	.....	150 10	2 79	.....	147 31
Herkimer.....	84,267 83	21,402 41	12,865 42	4,881 36	42,622 28	37,698 45	5,023 83	.....	744 65	444 42	.....	300 23
Jefferson.....	9,038 15	6,435 76	3,666 39	283 55	7,668 41	6,242 77	2,449 64	.....	24,969 87	23,004 55	.....	1,965 32
Kings.....	118,787 57	575 72	322 39	81 31	158,544 96	757 53	100 87	.....	6,583 45	3,655 51	.....	2,927 97
Lewis.....	15,126 00	25,879 53	62,877 99	2,140 65	158,544 96	28,153 40	182,391 56	.....	284,214 63	19,730 07	.....	214,484 55
Madison.....	13 47	6,689 53	9,456 42	12 11	13,294 16	3,960 87	9,373 29	.....	14,814 24	4,038 84	.....	10,777 90
Niagara.....	2,268 74	689 18	12 90	659 31	28 44	4 87	21 07	.....	116 43	.....	.....	115 48
Oneida.....	2,735 98	977 64	5,629 56	95 88	6,781 26	5,903 77	873 49	.....	3,888 95	1,894 50	.....	1,944 45
Ontario.....	308 24	32 40	1,806 34	.....	5,215 11	3,009 79	3,205 32	.....	.....	.....	.....	.....
Orleans.....	707 83	564 28	276 84	.....	.....	.....	.....	.....	.....	.....	.....	.....
Oswego.....	613 99	39 74	574 25	.....	168 55	197 54	6 01	.....	67 43	63 79	.....	3 69
Otsego.....	31 66	15 08	6 04	.....	504 96	41 17	563 79	.....	.....	.....	.....	.....

Richmond	49,221 04	22,558 87	19,663 07	11,744 11	23,046 45	21,052 22	6,984 23	801 68	15,563 97	9,204 16	6,267 81
Rockland	6,315 54	1,568 09	4,757 45	2,924 11	11,479 78	8,547 93	2,981 85	1,553 27	9,072 90	6,041 41	2,901 49
Saratoga	4,933 59	2,515 77	2,417 82	2,116 22	3,964 46	994 52	2,939 94	23 60	2,886 04	6,639 23	2,268 82
Schenectady	33 40	33 40	33 40	.....	.....	.....	.....	.....	.....	.....	.....
Schuyler	289 87	179 73	110 08	.....	.....	.....	.....	.....	.....	.....	.....
St. Lawrence	10,509 36	5,445 60	5,062 76	1,157 36	10,090 33	8,572 80	1,517 53	66 10	6,131 04	5,390 67	740 27
Stauben	1,837 20	74 63	1,822 57	.....	1,923 21	71 30	1,927 91	.....	246 22	61 44	287 83
Toga	75 23	87 43	87 74	.....	873 53	319 83	1,537 70	.....	103 14	109 92	59 22
Tompkins	254 77	181 61	75 16	7 37	191 50	16 10	176 40	51 42	323 76	311 84	16 62
Ulster	13,568 44	8,114 61	10,433 88	.....	.....	.....	.....	.....	.....	.....	.....
Warren	9,213 08	2,491 08	5,729 73	567 47	8,215 24	4,932 11	3,223 18	361 06	7,874 22	4,619 32	3,265 00
Washington	124 41	108 60	25 91	.....	201 46	4,185 73	45 73	.....	103 29	74 54	51 76
Wyoming	27 01	23 86	8 15	.....	23 15	1 70	20 45	.....	54 17	43 86	8 29
Yates .....	.....	.....	.....	.....	.....	.....	.....	.....	78 40	.....	78 40
	\$300,369 25	\$154,147 06	\$200,241 59	\$23,767 13	\$373,563 50	\$179,296 27	\$123,540 23	\$6,823 72	\$584,030 99	\$118,421 09	\$296,209 90

INDEX.

	APPENDIX.	PAGE.
Appropriations for educational purposes.....		15
Appropriations required for year commencing October 1, 1881,	VI.	54
Auction duties.....		19
Auction duties, receipts.....	VII.	66
Balances due to and from the treasury.....		21
Balances due from counties.....		26
Bounty debt.....		9
Bounty Debt Sinking Fund.....		9
Canal debt and canal revenues.....		18
Capitol, new.....		18
Charitable institutions.....		15
Clerks in the public offices, names and salaries.....	V.	51
College Land Scrip Fund.....		7
College Land Scrip, report of J. W. Williams, treasurer		
Cornell University, in respect to.....	XIV.	76
Convicts in State prisons.....		18
Cornell Endowment Fund.....		8
Corporations, taxation of.....		22
Debt of the State.....		13
Elmira Female College Educational Fund.....		10
Estimates for the current fiscal year.....	III.	45
Estimates for the year commencing October 1, 1881.....	VI.	54
Expenditures for educational purposes.....		15
General Fund, receipts on account of.....	I.	29
General Fund, warrants drawn on.....	II.	31
General Fund, revenue, etc.....		11
General Fund Debt.....		13
Increase of taxation.....	XII.	74
Indian annuities, payment of.....	II.	38
Legislature, expenses of.....	II.	35
Literature Fund.....		5
Mariners' Fund.....		7
Military, payments on account of.....	II.	36
Military Record Fund.....		10

	APPENDIX.	PAGE.
Miscellaneous expenses, payment of.....	II.	48
National Guard, payments on account of.....	II.	36
New Capitol.....		18
Non-resident taxes, returned, admitted and rejected.....	XV.	77
Onondaga salt springs, report of superintendent.....	VIII.	68
Patients in asylums.....		16
Printing, payments for.....	II.	36
Public offices, fees of.....	I.	29
Public offices, payments for postage.....	II.	34
Public printing.....		25
Receipts and expenditures.....		20
Receipts and payments.....		11
Revenues.....		8
Salt duties.....		19
Schedules.....		28
School Fund.....		8
School Fund, increase.....		8
State Asylums for the insane.....		16
State debt.....		13
State of the treasury.....		20
State prisons.....		17
State prisons, expenses of.....	II.	41
State prisons, receipts of.....	I.	29
State tax, rate of, from 1816 to 1880.....	XIII.	75
Stationery delivered to the public offices.....	IX.	70
Taxation of corporations.....		22
Taxation and valuation.....		22
Taxes for 1879 and 1880.....		22
Taxes levied in 1879.....	IV.	50
Taxes, tables of valuation, etc.....	X, XI.	71, 73
Taxes, non-resident returned, admitted and rejected.....	XV.	77
Treasury, state of.....		20
Trust funds.....		3
United States Deposit Fund.....		5
Valuation of real and personal property and State and local taxes.....	XII.	74

STATE OF NEW YORK.

No. 4.

IN ASSEMBLY,

JANUARY 5, 1881.

ANNUAL FINANCIAL REPORT
OF THE AUDITOR OF THE CANAL DEPARTMENT.

STATE OF NEW YORK:

CANAL DEPARTMENT, }
ALBANY, January 5, 1881. }

To the Speaker of the Assembly:

As required by law, I have the honor herewith to transmit the Annual Financial Report of this Department, for the fiscal year ending September 30, 1880.

Respectfully yours,
JOHN A. PLACE,
Auditor.



FINANCIAL REPORT OF THE AUDITOR.

STATE OF NEW YORK:

CANAL DEPARTMENT,
ALBANY, *December 10, 1880.* }

To the Legislature:

In compliance with the provisions of act chapter 177 of the Laws of 1861, I respectfully submit the following report of the receipts and payments on account of the canals and canal debt, and the balances of the funds on hand, the depositories of the same, and the condition thereof at the close of the fiscal year which ended September 30, 1880.

REVENUES AND EXPENDITURES OF THE FISCAL YEAR.

Statement of the revenues of the canals, with the expenses of collecting the tolls, and ordinary repairs, during the fiscal year which ended September 30, 1880:

Receipts.

Tolls.....	\$1,183,352 74
Rent of surplus water	2,177 08
Miscellaneous	14,604 81
	\$1,200,134 63

Payments for ordinary repairs, etc.

To Superintendent of Public Works for ordinary repairs	\$297,005 71	
To engineers for ordinary repairs.....	30,000 00	
To section superintendents for ordinary repairs	436,180 12	
Total expenditures for ordinary repairs	\$763,185 83	
Carried forward.....	\$763,185 83	\$1,200,134 63

Brought forward	\$763,185 83	\$1,200,134 63
To collectors for salaries, clerk hire, pay of in- spectors, and expenses of collectors' offices.....	\$46,267 02	
To weighmasters and assist- ants	5,642 87	
Total amount for collecting reve- nue	51,909 89	
For salaries chargeable to the annual rev- enues, refunding tolls, printing and other miscellaneous payments....	73,920 12	
		<u>889,015 84</u>
Surplus revenues of the canals for the fiscal year which ended September 30, 1880		<u>\$311,118 79</u>

This surplus revenue, amounting to \$311,118.79, has been appropri-
ated and set apart in accordance with the provisions of article 7 of the
Constitution, to the Sinking Fund under section 3.

SUMMARY STATEMENT.

The financial condition of the canals for the last fiscal year is as
follows:

Balance in the treasury, and invested October 1, 1879,	\$2,731,035 76
Received from all sources during the fiscal year which ended September 30, 1880.....	2,091,979 58
	<u>\$4,823,015 34</u>
Paid during the same period	1,500,370 52
	<u>\$3,322,644 82</u>

Said balance is deposited and invested as follows, viz.:

Amount deposited in banks (see No. 49).....	\$2,286,145 82
Amount invested in United States bonds, 4½'s of 1891,	240,000 00
Amount invested in United States bonds, 5's of 1881,	792,700 00
Real estate, etc., Bank of Corning	8,799 00
	<u>\$3,322,644 82</u>

Canal debt paying interest September 30, 1880.

	Principal.	Annual interest.
Under article 7, section 3 of the Constitution	\$8,981,700 00	\$538,902 00

Debt after balances of Sinking Funds have been applied.

	Total canal debt Sept. 30, 1880.	Balances of Sinking Funds Sept. 30, 1880, includ- ing invest- ments.	Balance of debt after ap- plying Sink- ing Funds.
Under article 7, section 1 of the Constitu- tion	\$6,160 00	\$6,160 00	.....
Under article 7, section 3 of the Constitu- tion	8,982,200 00	2,045,320 17	\$6,936,879 88
	\$8,988,360 00	\$2,051,480 17	\$6,936,879 88
Debt after applying all the Sinking Funds			\$6,936,879 88

CANAL DEBT OUTSTANDING.

	Not paying interest.	Paying interest
1837	\$160 00	.....
1873	500 00	.....
1874	6,000 00	.....
1883 .....	.....	\$643,200 00
1887 .....	.....	1,562,900 00
1891 .....	.....	4,302,600 00
1892 .....	.....	2,000,000 00
1893 .....	.....	473,000 00
Amount paying interest		\$8,981,700 00
Amount not paying interest		6,660 00
Total debt		\$8,988,360 00

The interest on the debt not matured, which is at the rate of 6 per cent, amounts to \$538,902, per annum.

These stocks were, on the 30th September, 1880, held as follows:

In the United States	\$8,082,600 00
In foreign countries	899,100 00
	<u>\$8,981,700 00</u>

REVENUES — COMPARATIVE STATEMENT.

The following statement shows the aggregate receipts and payments on account of the ordinary expenses of the canals for the last two fiscal years :

	1879.	1880.
Receipts from tolls.....	\$907,479 95	\$1,183,352 74
Receipts from rent of surplus water ..	2,160 38	2,177 08
Receipts from miscellaneous sources...	11,612 48	14,604 81
Total revenue for the year . . .	\$921,252 81	\$1,200,134 63
Payments to section superintendents for ordinary repairs	\$351,161 75	\$436,180 12
Payments by Superintendent of Public Works for ordinary repairs.....	251,420 54	297,005 71
Payments to division engineers for ordinary repairs	26,500 00	30,000 00
Payments to collectors and their assistants	41,956 67	46,267 02
Payments to weighmasters and their assistants	5,212 86	5,642 87
Refunding tolls, salaries of officers and miscellaneous expenses chargeable to the revenues of the canals	75,523 00	73,920 12
Total expenses for the year.....	\$751,774 82	\$889,015 84
Net revenue.....	\$169,477 99	\$311,118 79

A comparison of the operations for the fiscal year which ended on the 30th September, 1880, with the previous year, shows the following results:

A gain in revenue of	\$278,881 82
An increase in expenditures of	137,241 02
A gain in net revenue of.....	\$141,640 80

In accordance with the terms of the third section of article seven of the Constitution, the surplus revenues should have been sufficient to make the following contributions, viz :

For the interest of the debt	\$538,902 00
For the sinking fund, for the extinguishment of the principal of the debt	450,000 00
Carried forward	\$988,902 00

Brought forward.....	\$988,902 00
For the general fund for the support of government..	200 000 00
Net revenue, or surplus required.	\$1,188,902 00
Net revenue earned	311,118 79
Deficiency of revenue for year ending 30th September, 1880	\$877,783 21

Document No. 56, on another page of this report, gives in tabulated form the tolls collected, the expenses of collection and repairs, the per cent of cost of maintenance on tolls for each year, commencing with 1826, and the tonnage of all canals, commencing with 1836.

Document No. 57, following, is a statement in tabular form, showing the receipts of tolls, the expenses of collection and repairs, and the surplus revenues in each year, commencing with 1836.

THE CANAL DEBT SINKING FUNDS.

The condition of the several Sinking Funds for the payment of the canal debt stocks, on the 30th September, 1880, was as follows :

Sinking Fund—article 7, section 1.

The balance to the credit of this fund on the 30th September, 1880, was \$6,160. This balance represents the amount of the certificates of matured stock which have not been presented for redemption.

Sinking Fund—article 7, section 3.

The balance standing to the credit of this Fund on 30th September, 1879, was..... \$1,445,468 48

The receipts for the fiscal year which ended 30th September, 1880, were :

From taxes levied pursuant to chapter 27, Laws of 1879, to supply the deficiency for the year 1878....	789,724 90
Interest on investments.....	50,435 00
Surplus revenues of the canals.....	311,118 79
	<u>\$2,596,747 17</u>

The payments during the fiscal year were :

Interest on the stock debt.....	\$538,902 00
Premium paid on \$190,000 U.S. 4½'s, 1891,	10,450 00
Salary of transfer agent at New York ..	750 00
Bank of Manhattan Co. for keeping transfer office	1,250 00
Printing and stationery for transfer office,	75 00
	<u>551,427 00</u>

Leaving a balance September 30, 1880, of..... \$2,045,320 17

This balance of \$2,045,320.17 was held as follows :

On deposit in banks.....	\$1,012,620 17
Invested in bonds of the United States, viz. :	
4½'s of 1891	240,000 00
5's of 1881.....	792,700 00
	\$2,045,320 17

In addition to this balance on deposit and invested there is due the fund \$896,036.62, being the deficiency in the contributions from the revenues of the canals for the fiscal year which ended 30th September 1879, and the interest thereon, for which a tax was authorized by chapter 248 of the Laws of 1880, and is now in process of assessment and collection.

There should have been contributed from the revenues of the last fiscal year to meet appropriations :

For the payment of interest on stock debt.....	\$538,902 00
For the Sinking Fund	450,000 00

Total appropriated	\$988,902 00
Amount realized	311,118 79

Deficiency for year ended 30th September, 1880.....	\$677,783 21
Add the deficiency in the tax of 1879.....	24,807 46
Add for interest on these deficiencies from time due until the same can be realized from tax.....	56,207 25

Amount to be supplied by tax.....	\$758,797 92
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Which is equal to about 295-1000 of a mill on the present valuation.

UNAVAILABLE DEPOSITS.

The total amount deposited in banks unavailable, at the close of the fiscal year which ended September 30, 1879 (see page 57 of last report), was.....	\$135,276 50
There has been collected during the fiscal year which ended September 30, 1880, from the following banks, or assets thereof, viz. :	
Atlantic National Bank, New York....	\$1,598 66
Pratt Bank, Buffalo.....	3,010 84
	4,609 50
Leaving unavailable September 30, 1880.....	\$130,667 00

Document No. 49, on another page of this report, is a statement showing the balance on hand 30th September, 1880, how deposited and invested, together with the names of the accounts to which it belongs. The available and unavailable deposits appear in said statement separately.

RECEIPTS AND EXPENDITURES ON ACCOUNT OF THE CANALS.

The receipts from tolls and other sources of income other than taxes, and the expenditures on account of each and all the canals for the fiscal year which ended September 30, 1880, will be found in detail in documents 26 to 47 inclusive. The substance of these several accounts, in a condensed form, is exhibited in the following tabulation :

[Assem. Doc. No. 4.]

2

TABLE

Showing for each Canal: 1. The income derived from tolls and other sources. 2. Payments for collection, ordinary repairs and miscellaneous charges on the revenues. 3. The surplus of revenue or profit in operating. 4. The deficiency of revenue, or loss in operating. 5. Payments from proceeds of taxes for extraordinary repairs, damages and other purposes. 6. Total payments from earnings and taxes. 7. Income in excess of all payments. 8. Payments in excess of income.

The period embraced in this table is for the fiscal year ending 30th September, 1880.

CANALS.								
	1.	2.	3.	4.	5.	6.	7.	8.
	Income from tolls and other sources.	Cost of collection, ordinary repairs and miscellaneous charges on revenues.	Surplus of revenue.	Deficiency of revenue.	Payments for extraordinary repairs, enlargements of Canal, Appraisers and Board.	Total payments.	Income in excess of all payments.	Payments in excess of income.
Erie.....	\$1,120,600 13	\$632,337 24	\$488,323 89	\$73,967 30	\$45,787 18	\$678,124 42	\$442,535 71	\$865,252 73
Champlain.....	51,287 37	125,254 60	.....	23,488 55	11,263 44	136,520 10	.....	23,488 55
Oswego.....	14,389 45	37,877 00	.....	10,200 88	.....	37,877 00	.....	10,200 88
Cayuga and Seneca.....	1,462 57	11,753 45	.....	6,119 07	.....	11,753 45	.....	6,119 07
Chemung.....	124 32	6,243 30	.....	6,243 30	1,341 56	7,584 86	.....	7,584 86
Chenango.....	.....	6,982 50	.....	39,592 88	.....	61,262 50	.....	39,592 88
Black River.....	11,799 67	5,392 53	.....	17,347 88	1,051 79	18,400 11	.....	18,399 67
Genesee Valley.....	62 50	17,410 88	.....	17,400 32	.....	430 32	.....	430 32
Oneida Lake.....	.....	.....	299 72	.....	.....	.....	299 72	.....
Oneida River Improvement.....	299 72	.....	31 37	.....	.....	.....	31 37	.....
Seneca River Tow-path.....	83 53	.....	84 27	.....	.....	34 26	84 27	.....
Cayuga Inlet.....	.....	34 26	.....	.....	.....	.....	.....	.....
	\$1,200,134 03	\$899,015 84	\$488,653 26	\$177,539 46	\$59,445 76	\$948,401 60	\$442,871 07	\$191,108 04

The deductions to be made from the preceding table are as follows

The total income from all sources to the credit of all the canals, as shown in column 1, was..... \$1,200,134 63

The payments from the revenues for collection, ordinary repairs, and such miscellaneous expenses as are a charge upon the revenues, as shown in column 2, were in the aggregate..... 889,015 84

Surplus revenues (deducting 2 from 1)..... \$311,118 79

The profit and loss in operating the several canals are shown separately, and in the aggregate in columns 3 and 4.

The profitable canals earned (see column 3)..... \$488,658 25

The non-paying canals lost (see column 4)..... 177,539 46

The amount paid on account of each and all the canals, from the proceeds of taxes, for extraordinary repairs and improvements, for awards made by the Canal Appraisers and Canal Board, and the interest thereon, is shown in column 5.

The aggregate was \$59,445 76

This last-mentioned item includes the sum of \$16,203.13 paid to contractors in settlement for work done in former years.

The total income from tolls and other sources other than taxes, as shown in column 1, was..... \$1,200,134 63

The total payments on account of all the canals from their revenues and from the proceeds of taxes, as shown in column 6, being the product of columns 2 and 5, were 948,461 60

Income in excess of total payments \$251,673 03

Columns 7 and 8 show the income of each canal in excess of total disbursements, or the disbursements in excess of income, as the case may be.

ORDINARY AND EXTRAORDINARY REPAIRS.

What is an ordinary repair? Briefly answered, it is simply a restoration to a sound or good condition. The cost of such restoration is made a legitimate charge, and a preferred lien on the canal revenues, and no legislation is needed further than to appropriate a sufficient sum for the purpose, to be applied generally in the ordinary repairs of the canals. It is not necessary to specify the particular structure, or

portion of the canal to be restored, for the Superintendent of Public Works is presumed to know, from observation and examination, what is necessary to be done, and he has the authority and it is made his duty to see that all the canals under his charge, together with their structures, are kept in proper repair.

An improvement of any of the canal structures, either by enlargement or by changing the plan of its construction, or, the erection of a new bridge where none before existed, or, the substitution of a swing or lift bridge in the place of an existing one, is not an ordinary repair in the meaning of the Constitution, and so long as the surplus of the revenues is not sufficient to pay in full the interest of the canal debt and the annual contribution to the Sinking Fund as required by the Constitution, we have no more right to appropriate the canal tolls to pay for such work than to pay for street pavements in the cities of New York and Oswego. Swing and hoist bridges may be more pleasing to the sight than the ordinary elevated bridge, but they are projected simply at the suggestion and for the accommodation of localities. They contribute nothing to the usefulness of the canals—in fact they are rather detrimental than otherwise—and besides there is no one locality more entitled to them than another. The general substitution of such so-called improvements at the expense of the canal revenues, even if there were no constitutional prohibition, would be impracticable, and hence to grant the luxury of a swing bridge to one locality and to refuse it to another would be a manifest injustice.

The Auditor desires to impress this fact upon the Legislature, viz.: That all specific appropriations for new work or extraordinary repairs, or for any purpose whatever which is not essential to preserve the existing structures or to maintain navigation, although nominally made payable from the revenues of the canals, are a positive tax upon the whole State. The amounts so appropriated, if expended, create a corresponding deficiency in the surplus of the revenues, which is not now, and has not been in several years, sufficient to pay the annual interest of the canal debt and the annual contribution to the Sinking Fund, and this deficiency, whether from reduced revenues or increased expenditures, must annually be supplied by a direct tax. It will thus be seen that a tax levy immediately follows the expenditure.

CANAL TOLLS IMPERATIVE. IS THERE ANY AUTHORITY FOR THE SO-CALLED "FREE LIST?"

Under the provisions of the Constitution the only method for obtaining means for the maintenance of the canals is through the instrumentality of tolls; and no sum can be expended in any one year for supervision and repairs in excess of the gross revenues of the preceding year.

The Canal Board is required, from time to time, to fix the rates of tolls to be collected on the canals, but no rates below those prevalent for the year 1852 can legally be adopted except with the concurrence of the Legislature.

This power to establish rates from time to time does not, in the opinion of the Auditor, confer authority upon either the Canal Board or the Legislature, or upon the two bodies acting concurrently, to abolish the tolls on any commodity or thing, transported or moved on the canals, which was subject to toll during the year 1852. The power to reduce, by no method of logic, can be construed as authority to abolish.

With that clause remaining in the Constitution which virtually limits expenditures for repairs to the income derived from tolls, no matter what emergency may arise, it would be exceedingly dangerous to confer unlimited discretionary power upon any body to determine upon what commodities, or thing moved on the canals, tolls may be abolished; and in the opinion of the Auditor no true friend of the canals, after due reflection, would favor it. No such authority, however, is expressed in the present Constitution, and still, four years ago just as the limitation clause became operative, and when all the revenue was needed for maintaining the canals, the precedent was established of placing certain articles on a so-called "free list" which, from year to year, is being extended.

If there is any authority whatever for this so-called "free list," has it any limitation, or may it steadily be enlarged until the canals shall be left without means to operate them?

Until the adoption of this "free list," boats navigating the canals paid a toll of two cents per mile. That was the rate which prevailed in 1852. This rate is equivalent to a charge of \$13.80 per boat for a round trip from Buffalo to tide-water and return. It is not a heavy tax for the privilege of navigating 345 miles of artificial water-course, but those who advocated the remission of this toll doubtless supposed it would be beneficial in its results. If this toll had prevailed during the year 1880, it would have added over \$200,000 to the revenues of the canals — an amount equal to about 18 per cent of the entire revenue collected.

"Without equipment your canals would be useless," was the exclamation of those who advocated the remission of this toll. The corollary is equally true — without the canals and the business which they furnish, your boats would be worthless.

The only argument which can be offered in favor of a free list is the possibility that the aggregate movement of such commodities as may be exempted from tolls will thereby be increased. In other words, that the policy of imposing tolls naturally tends to repel business.

Either position may be true, but it should be remembered that, until the Constitution shall be amended, tolls cannot be avoided; and that the exemption of one portion of the tonnage involves the necessity of levying higher tolls on that portion which is not exempted; and if traffic is invited in one instance, it is repelled in the other. Where then is the gain? As you extend the free list, so you reduce the revenue; and as you increase the tolls, so you diminish the tonnage.

Admitting, for the sake of the argument, that this toll of two cents per mile was lawfully abolished; suppose it were again restored, and a corresponding reduction should be made in the rates of toll on the principal articles transported, would not that policy be more likely to increase the business than that which remits the toll on the boat and levies it on the traffic?

This year the article of staves was added to the free list, and the results experienced were, a gain of about 1,000 tons and a loss of \$7,701 in tolls as compared with the previous year, and as compared with 1878 there was a loss of 14,000 tons and \$13,222 in tolls. If we cannot obtain tolls from staves, then there is nothing which can safely be tolled.

Can there be any valid reason why flax seed should be placed on a free list, more than corn, oats, or any other agricultural product upon which toll is paid?

There are many grave objections to a free list. Our tolls are too low to admit of discrimination, and besides, the policy of taxing one class of products in order that another may escape is unjust in principle.

How many tons of articles which should have paid tolls, have been cleared as staves, flax seed, phosphates, dried fruit and all the other commodities enumerated in the free list?

I do not charge that any such frauds have been committed, but this so-called "free list" affords the opportunity, and certainly creates a temptation for wrong-doing, which, if perpetrated, might readily escape detection.

THE PRESENT COMPLEX SYSTEM OF COLLECTING TOLLS; A UNIFORM RATE PER TON SYSTEM PREFERABLE.

At present there are three methods employed in assessing the tolls levied upon the canal tonnage, viz.: By weight, by count, and by measure. By the first-named method, through the agency of our weigh-locks, we have abundant facilities for weighing entire cargoes, and thereby testing the accuracy of the manifests upon which clearances are issued. By the other methods it must be left entirely with the shippers or the receivers of the property cleared, to report the quantity

— count or measure — upon which tolls are to be computed and collected, because it is utterly impossible for those employed in the collection of the revenue to count and measure all the property cleared by these methods. The proportion thus cleared is about twenty-five per cent of the entire tonnage of the canals, and much of it is delivered in adjoining States, beyond the jurisdiction of our own laws and regulations, and beyond reach of those employed in the collection of tolls.

If the tolls were assessed entirely by weight, as they should be, in place of the present complex system, a uniform rate might be established on all articles moving in the same direction, with perhaps an exceptional rate for coal. The work of collecting the revenue would thereby be much simplified and less expensive; the temptation to misrepresent the kind and quantity of the articles offered for clearance would be entirely removed, and there would be a satisfactory assurance that all the tolls to which the State is entitled would be collected.

There can now be no valid objection to the uniform rate per ton system. During the period of high tolls, or when wheat was assessed at the rate of six mills per ton per mile, the rates were adjusted somewhat in proportion to the values of the articles, but now, when the highest rate imposed on any commodity is lower than the lowest rate formerly, there is neither necessity nor margin for any discrimination.

The highest rate by weight, now practically imposed on the movement toward tide-water, is one mill a ton a mile, which amounts to $34\frac{1}{2}$ cents a ton from Buffalo to the Hudson river; while the highest rate, with the exception of "foreign and domestic salt," from tide is one-half a mill per ton a mile, or $17\frac{1}{2}$ cents a ton for the whole distance from the Hudson to Buffalo.

These rates, low as they are, if computed on the movement of the past season, would give a result nearly or quite as large as the amount actually collected, but if in practice the same traffic should yield a larger revenue, the gain would be due entirely to the greater accuracy of the method of assessment.

WEIGH-LOCKS.

The State has constructed, at great cost, seven weigh-locks, five of which are located at convenient points on the Erie canal, one at Oswego on the Oswego canal, and one at Waterford on the Champlain canal. They are capable of weighing the largest boats employed, with full cargoes on board, and with the same accuracy as scales of smaller dimensions. Their method of construction is such that, with ordinary care in operating them, no possible harm can befall any boat that is in a suitable condition to navigate the canals. During their existence and employment, they have aided in the collection of hundreds of

thousands of dollars which the canal fund otherwise would have lost, and with a properly constructed toll sheet, and their continued employment, no frauds upon the revenues can possibly escape detection.

For two years past the Legislature has had under consideration a bill which prohibited the employment of weigh-locks as agencies in the collection of the canal revenue. If such a law should be enacted, then the whole machinery now employed in collecting the tolls might as well be dispensed with, and a plan adopted similar to that in vogue on some street railways. Place boxes, if you please, at suitable distances and localities, into which the revenue can conveniently be dropped by those using the canals. The contents of these boxes would scarcely warrant the expense of guarding them, still it might be desirable to know that every passing boat contributed at least something.

But why should the State be less careful or more trustful in its business operations than individuals, managers of railroads, banks and other corporations? There is no reason whatever why the officers appointed to collect the tolls, and who are compelled to give bonds for the faithful discharge of their duties, should be prohibited from determining for themselves what is justly due to the State. The Legislature has made ample provision to protect the public, as well as the State, as will be seen by the following quotation from the statutes:

“Every weighmaster or weighmaster’s clerk, who shall weigh a boat and cargo, shall enter the true weight thereof on the face of the clearance, with the light weight of the boat, as it appears by the light weight register, in such weighmaster’s office; and every weighmaster, or his assistant or clerk, who shall knowingly make a false entry of the true weight of such boat or cargo, or shall make a false certificate of the light weight of any boat, shall be deemed guilty of a misdemeanor punishable by fine or imprisonment, or both, the fine not to exceed five hundred dollars, and the imprisonment not to exceed two years in the county jail.”

Merchants selling lumber do not trust their customers to measure it neither does the purchaser accept the measurement of the seller. The banker does not accept unchallenged the count of the depositor. There is not a railroad corporation in existence which invites or permits its customers to prescribe the methods which shall control its management and establish its freight tariff. Would it be just to enact a law which shall prohibit railroads from weighing their freight, and compel them to confide in the manifest of the shipper?

If it were true that the weigh-locks, in any perceptible degree, were injurious to boats, that would be no reason for their disuse — it would merely be one of the incidents of the business. But they are no more destructive than the other locks through which boats are compelled to pass from one level to another, and they are just as necessary so long

revenue must be collected. The boats navigating the canals have been constructed with a full knowledge of all the incidents and contingencies of the business for which they were especially designed, and among these is the necessity of entering the weigh-locks and being weighed thereby.

It is not necessary that all boats conveying cargoes by weight should be weighed in a weigh-lock. It has been the practice for several years to except such boats as are laden with grain actually weighed on board, when the quantity is verified by the weigher—and weigh-locks need only be employed in ascertaining the weights of such cargoes as cannot otherwise be determined, or in testing the weights of reported cargoes when their accuracy is questioned.

The weigh-locks in many cases are a public convenience, and as adjuncts in the collection of the revenue, they cannot safely be dispensed with.

Every dollar of revenue lost, whether by fraud, or laxity in the method of collection, is so much added to the annual deficiency tax.

STEAM PROPULSION.

For several years the attention of those interested in canal navigation has been directed to efforts to improve the methods of propulsion. The Legislature of 1871 appropriated \$100,000 to stimulate invention, and that amount was awarded upon the construction of a number of steam barges, the most prominent of which were known as the "Baxter boats," built by Wm. Baxter of New Jersey. These boats, from which so much was expected, were practically a failure, and it is not known that any one of them is still in existence.

The construction of the Baxter boats, defective as they proved to be, attracted the attention of other builders and inventors, and the number of boats propelled by steam upon the canals of this State during the past season was larger than any year previous.

The fact that these boats, which cost more than boats towed by horses, are increasing in number, would seem to indicate that they are a profitable investment. There is still room for the inventor, and the relative value of the two systems of propulsion is an unsolved question.

CABLE TOWING.

In 1871 a company was formed to introduce upon the canals of this State "Cable Towing," or the method generally known as the "Belgian System." This system requires a wire cable to be placed upon the bottom of the canal, extending from one end of the canal level to the other. The tow-boat is constructed with a large wheel, driven by steam, over which the cable is made to pass. The revolving of the

wheel hauls the boat along, and this boat is made to tow a number of other boats in line, fastened to each other. About 120 miles of cable have been laid, which has been in operation during the past season. The results this year have not justified the expectations of the friends of the system. Many complaints have come to this department from boatmen, and others interested in the business of the canals. The burden of these complaints was that the system interferes with the passage of boats and seriously obstructs navigation.

Whether the system, successful upon European canals and rivers, is not adapted to the canals of this State, or whether by improved machinery and fixtures and more experience on the part of its managers it can be made successful, remains to be seen.

THE ANOMALOUS CHARGES OF THE ELEVATORS; HOW THEY AFFECT THE INTERESTS OF BOATMEN. IS OUR LIBERAL CANAL POLICY OBSTRUCTED BY COMBINATIONS?

The movement of produce during the year 1880 has been without a parallel, and while lake and rail carriers have reaped a rich harvest, it is claimed that canal boat owners have been poorly compensated. In order that the water route might more successfully meet the competition in the carrying trade, the State remitted the tolls on some commodities, and on others reduced them to so low a point that the aggregate revenues of the canals in an adverse season would not be sufficient to maintain them.

The low toll policy has cheapened transportation by water, and during the navigable season has caused a corresponding reduction in rates by rail. It has doubtless been the means of increasing the production and movement of cereals, and has enabled producers to find profitable markets in foreign countries, for their surplus products. Indeed reduced transportation charges, mainly the result of a reduction in tolls equal to five cents per bushel of wheat, has enabled the agriculturists of this country to compete with foreign producers in their own markets.

Heretofore the competing railroads have pursued an aggressive policy toward the water route, at times reducing their freight charges below the actual cost by water, as was notably the case during the navigable season of 1879, but no complaints of that nature were made during the past season. Evidently there was a sufficient volume of business to keep the equipments of all routes actively employed. Lake freights have been remunerative, and maintained a higher average than for the season previous, while canal freights have been lower — the average rate to November 1st being a half cent per bushel, and

for November nearly two cents per bushel lower than for the season of 1879.

The earnings of the several trunk roads have been unprecedented, and must have been the results of a largely increased tonnage movement. The tonnage moved by canal the past season was about 6,462,290 tons, a gain of 1,099,918 tons over the previous year and within 211,080 tons of the largest movement on record, and was only exceeded in the years 1871-2. This great increase in business by all routes had the effect to create a greater demand for labor at higher rates of compensation, so that the operating expenses of the boatmen navigating our canals have been larger this season than for 1879, and still canal freights ruled lower.

For some days prior to the closing of navigation, shipments by canal were much below reasonable expectations. It was not in consequence of any scarcity of freight, for the elevators were full; nor yet in consequence of any scarcity of boats, for there were hundreds of them awaiting employment; but to the fact that there was a disagreement between shippers and carriers, the latter claiming that the supply of freight warranted an advance in transportation rates over those which had previously prevailed, and which were then offered. After several days' contention, the carriers were obliged to yield or lose the possibility of making another trip to tide-water.

The combined storage capacity of the Buffalo elevators is enormous — being equal to 6,265,000 bushels, a quantity sufficient to load 800 of the largest boats employed on the Erie canal. As these granaries are managed there can be no such thing as a "spurt" in canal freights so long as their storage capacity is not exceeded by the receipts. For the simple purpose of transferring grain from vessels to canal boats, no storage room is required, and a charge of one-quarter of a cent per bushel for the service, it is represented, would be ample compensation. But the elevators make no distinction in their charges between a simple transfer and storage — their charge being one cent per bushel with the privilege of five days' storage free, and for each succeeding ten days storage is charged at the rate of one-fourth of a cent per bushel. This is virtually charging four times as much for transferring as for storing, and the effect of these anomalous charges, if not the real intent, is to keep the rates of canal freights depressed and to prevent any advance in rates when the supply of freight exceeds the facilities for moving it.

To illustrate: A party having grain afloat and intended for shipment is subjected to no greater expense for a short storage than for a simple transfer, and hence, through the agency of the elevators, has the canal carrier entirely under his control, or at a great disadvantage.

If the receipts by lake at any time are in excess of the carrying facilities, the shipper, instead of paying advanced rates of freight, puts his grain in store without additional expense, and holds it until boats accumulate. But if the elevators made a just distinction between a simple transfer and storage, at least the expense of storage would go to the boatman.

There are in Buffalo, or were at the close of the year 1879, 20 elevators, 6 transfer elevators and 6 floaters. These elevators, with the exception of three of them which belong to the railroads, are owned by individuals. Notwithstanding the number, and their enormous facilities, there is no evidence of competition, but, on the contrary, appearances indicate that they are all combined and operated by an association styled "The Western Elevating Company," which establishes and publishes the rates to be charged for transfer and storage.

Insurance is an important item in the cost of canal transportation. The carrier is compelled to insure his cargo with the company selected by the shipper, and while he is obliged to pay the nominal charge for insurance, it is alleged that the shipper receives from the underwriter a handsome rebate on the premium.

As there is no competition whatever, and the rates charged are as positive and inflexible as though determined by a single individual, the aggregate sums received by these elevators and insurance companies, from the commerce of the canals, must be very large. If the elevators, as well as the underwriters, pay rebates to middle-men, by so much at least, can their charges be reduced without detriment to either.

The subject of rebates and discriminations on the part of the railroads, on a former occasion, was deemed proper for legislative investigation. There is a possibility—indeed a strong probability—that the efforts which have been made, through the joint action of the Legislature and the Canal Board, to cheapen transportation in order to secure a larger share of the western trade and more profitable employment for our canal equipments, are in a great measure obstructed by combinations and otherwise, which a searching investigation may show to be as illegal as they are prejudicial to our commercial interests.

THE BUSINESS SEASON OF 1880.

In another part of this report I have stated that the movement of produce through this State, during the past season, has been without a parallel, but the mere assertion, without the statistics, would fail to convey a comprehensive idea of its magnitude.

The shipments of grain from Buffalo, by canal, aggregated over

72,000,000 bushels, being an excess of 18,000,000 bushels over the previous year, and nearly 13,500,000 bushels more than in 1878, when the total shipments were larger than for any year previous. The business was evenly distributed through the season so that boats were kept constantly employed, and the canal was free from the jams which are of common occurrence when the movement is restricted to the spring and autumn months.

The returns of the collectors, at the time of closing this report, are not complete, but as far as received they show an aggregate movement by canal of 6,462,290 tons, composed as follows:

Product of the forest.....	1,566,744 tons.
Product of animals.....	11,613 do
Vegetable food.....	2,372,204 do
All other agricultural products.	25,757 do
Manufactures.....	278,266 do
Merchandise.....	355,219 do
Coal.....	959,151 do
Other articles ...	893,336 do

This aggregate tonnage is 1,099,918 tons in excess of the previous year.

The total number of miles run by all boats was 10,401,804 — a gain of 2,174,857 over the previous year.

The gross amount of tolls collected was \$1,155,257 — a gain of \$213,683 over the previous year.

One of the most gratifying results of the season's operations is the evidence of renewed activity in boat building. The number of boats registered was 488, of which 433 were reported as new. This is the largest number registered in any year since 1867, and is 106 boats in excess of the registry of 1879.

The following statistics, taken from the compilation of Mr. E. H. Walker, of the New York Produce Exchange, show that the receipts and exports from January 1st to November 30th, 1880, at the five principal Atlantic seaports, were as follows:

(Flour and meal being reduced to their equivalent in bushels.)

At	Receipts. Bushels.	Exports. Bushels.
New York.....	161,127,889	122,618,312
Boston.....	31,762,548	18,761,267
Philadelphia.....	45,276,697	30,470,753
Baltimore.....	53,850,524	45,146,811
Montreal.....	23,567,454	25,704,447
Total bushels.	315,585,112	242,701,590

The receipts at New York from January 1 to November 30, 1880, comprise :

By canal	69,440,901 bushels.
By river and coastwise.....	3,982,751 do
By rail.....	87,704,237 do

The receipts at New York by all the railroads during the season of canal navigation, or from May 1st to November 30th, were 56,505,548 bushels; nearly 13,000,000 bushels less than the delivery by canal. But for the sudden close of navigation the receipts at New York, by canal, would have aggregated 75,000,000 bushels.

The receipts and exports of grain at New York, for the first time in many years, have exceeded those of Boston, Philadelphia, Baltimore and Montreal combined.

The Erie canal was opened for navigation April 20th and was suddenly closed by ice November 21. Of the large number of boats bound for tide-water, which were arrested by the sudden close, 749 were loaded with grain and 152 with lumber.

The aggregate of these cargoes is estimated as follows :

1,328,282 bushels of wheat.	
4,056,435 do	corn.
525,467 do	barley.
16,430 do	rye.
76,669 do	oats.
161,750 do	flax seed.
36,000 do	malt.

6,201,033 bushels of grain.
21,085,000 feet of lumber.

The large tonnage movement of the past season has been due to several fortuitous circumstances. The early opening of lake and canal navigation, our bounteous harvests and the large export demand, all contributed to make the past one of the golden years.

One or all of these factors may fail us another season, and then we shall experience how difficult a task it will be to maintain our canals under our present Constitution. The discussion of projects for deepening and enlarging our canals is useless, because, if we had the means, we are prohibited from expending them to obtain such desirable improvements.

The paramount duty of the hour is to labor unceasingly to secure the final adoption of the constitutional amendment in relation to the canals, which received the favorable consideration of the last Legislature.

Respectfully submitted,

JOHN A. PLACE, *Auditor.*

DOCUMENTS

ACCOMPANYING THE REPORT OF THE AUDITOR.

(No. 1.)

There was on deposit in sundry banks to the credit of the Treasurer of the State, on account of the canal fund, on the 30th September, 1879 (see page 55 of the last report):

The sum of.....	\$1,884,536 76
And in the custody of the Auditor, securities invested on account of the canal fund.....	\$842,700 00
Real estate, etc., of the Bank of Corning.....	3,799 00
	846,499 00

\$2,731,035 76

Appropriations overdrawn, viz.:

The Erie and Champlain canals, for unexpended balances in hands of:

Adin Thayer, late Canal Commissioner .	\$433 33
B. S. W. Clark, Superintendent of Public Works.....	17,010 94

17,444 27

\$2,748,480 03

Deduct over-payments as above, included in accounts below.....

17,444 27

\$2,731,035 76

Received during the year ending 30th Sept. 1880, viz.:

Sinking fund for the redemption of the debt for the enlargement and completion of the canals.....	See No. 4, \$840,159 90
Fund for extraordinary repairs.....	See No. 8, 22,897 10
Fund for the enlargement of the Erie, the Oswego, etc.....	See No. 16, 1,981 29
Fund for the enlargement of the Champlain canal.....	See No. 18, 8,604 43

Carried forward..... \$873,642 72 \$2,731,035 76

Brought forward.....	\$873,642 72	\$2,731,035 76
Fund for the reconstruction		
of Oneida Lake canal.... See No. 20,	757 96	
Erie and Champlain canal... See No. 26,	1,189,371 77	
Oswego canal..... See No. 28,	14,388 45	
Cayuga and Seneca canal... See No. 30,	1,462 57	
Chemung canal See No. 32,	124 32	
Black River canal..... See No. 36,	11,799 67	
Genesee Valley canal..... See No. 38,	62 50	
Oneida River improvement.. See No. 42,	269 72	
Seneca River towing-path... See No. 44,	31 37	
Cayuga inlet..... See No. 46,	68 53	
		<u>2,091,979 58</u>
		<u>\$4,823,015 34</u>

Paid during the same period, viz.:

Sinking fund for the redemption of the debt for the enlargement and completion of the canals..... See No. 5,	\$551,427 00	
Erie Canal enlargement..... See No. 25,	2,708 29	
Erie and Champlain canals.. See No. 27,	812,418 15	
Oswego canal..... See No. 29,	37,877 00	
Cayuga and Seneca canal... See No. 31,	11,753 45	
Chemung canal.... See No. 33,	6,243 39	
Chenango canal..... See No. 35,	7,623 94	
Black River canal..... See No. 37,	51,392 55	
Genesee Valley canal..... See No. 39,	18,462 17	
Oneida Lake canal..... See No. 41,	430 32	
Cayuga inlet..... See No. 47,	34 26	
		<u>1,500,370 52</u>
Leaving a balance on the 30th September, 1880, of...	\$3,322,644 82	
Of the above balance there is on deposit in banks to the credit of the Treasurer of the State on account of the canal fund..... See No. 49,	\$2,286,145 82	
In the custody of the Auditor, securities invested on account of the canal fund, viz.:		
United States bonds, 5s of 1881	\$792,700 00	
United States bonds, 4½s of 1891.....	240,000 00	
Real estate, etc., Bank of Corning.....	3,799 00	
		<u>1,036,499 00</u>

Appropriations overdrawn, viz.:

Erie and Champlain canals..... See No. 27,	481 92	
		<u>\$3,323,126 74</u>

Of the above amount there belongs to :

Sinking fund for the redemption of the canal debt.	See No. 3,	\$6,160 00
Sinking fund for the redemption of the debt for the enlargement and completion of the canals.	See No. 5,	2,045,320 17
Investment of premiums on loans.	See No. 7,	12,014 66
Fund for extraordinary repairs.	See No. 9,	771,098 24
Fund for the Albany basin.	See No. 11,	706 58
Taxes, 1866.	See No. 13,	269 30
Fund for the enlargement of the Erie, the Oswego, etc.	See No. 17,	169,760 06
Fund for the enlargement of the Champlain canal.	See No. 19,	284,549 56
Fund for the reconstruction of the Oneida Lake canal.	See No. 21,	26,023 33
Contractors' deposit fund.	See No. 23,	2,000 00
Fund of the Oswego canal.	See No. 29,	4,399 91
Fund of the Black River canal.	See No. 37,	824 93
		\$3,323,126 74

SINKING FUND FOR THE REDEMPTION OF THE CANAL DEBT.

(Under article 7, section 1 of the Constitution.)

(No. 2.)

Balance on hand 30th September, 1879.	\$6,160 00
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(No. 3.)

Balance on hand 30th September, 1880.	\$6,160 00
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SINKING FUND FOR THE REDEMPTION OF THE CANAL DEBT.

(Under article 7, section 3 of the Constitution.)

(No. 4.)

Balance on hand 30th September, 1879.	\$1,445,468 48
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Received, viz. :

Tax, 1879.	789,724 90
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Interest on investments, viz. :

On \$240,000 U. S. 4½s of 1891.	\$10,800 00
On \$792,700 U. S. 5s of 1881.	39,635 00
	50,435 00

Carried forward.	\$2,285,628 38
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Brought forward \$2,285,628 38

Transferred, viz.:

From fund of the Erie and Champlain
canals, the surplus revenues of the canals
on 30th September, 1880, pursuant to
article 7, section 3 of Constitution See No. 27, 311,118 79

\$2,596,747 17

(No. 5.)

Paid, viz.:

Expenses of the transfer agency at New York, viz.:

Leonard Van Derkar, salary as transfer agent	\$339 14	
Arthur H. Masten, transfer agent, for salary	410 86	
Nesbitt & Co., account for stationery, etc., for transfer office	75 00	
Bank of Manhattan Co., for keeping transfer office for year ending 30th September, 1880.	1,250 00	
		\$2,075 00
Premium on investment, viz.:		
On \$190,000 U. S. 4½s of 1891		10,450 00
Interest on loans		538,902 00
		\$551,427 00
Balance on hand 30th September, 1880		2,045,320 17
		\$2,596,747 17

INVESTMENT OF PREMIUMS ON LOANS.

(Under chapter 329, Laws of 1854.)

(No. 6.)

Balance on hand 30th September, 1879	\$12,014 66
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(No. 7.)

Balance on hand 30th September, 1880	\$12,014 66
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FUND TO PROVIDE FOR EXTRAORDINARY REPAIRS.

(Under chapter 877, Laws of 1869; chapter 767, Laws of 1870; chapter 930, Laws of 1871; chapter 850, Laws of 1872; chapter 766, Laws of 1873; chapter 399, Laws of 1874; chapter 425, Laws of 1876, and chapter 270, Laws of 1878.)

(No. 8.)

Balance on hand 30th September, 1879	\$763,236 72
Received, viz.:	
Interest on deposits	22,897 10
	<u>\$786,133 82</u>

(No. 9.)

Paid, viz.:	
Transferred to fund of the Erie and Champlain canals.....See No. 26,	\$13,983 79
Transferred to the fund of the Genesee Valley canal.....See No. 38,	1,051 79
	<u>\$15,035 58</u>
Balance on hand 30th September, 1880	771,098 24
	<u>\$786,133 82</u>

FUND FOR THE ALBANY BASIN.

(Chapter 200, Laws of 1849.)

(No. 10.)

Balance on hand 30th September, 1879	\$706 58
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(No. 11.)

Balance on hand 30th September, 1880	\$706 58
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TAXES OF 1866.

(No. 12.)

Balance on hand 30th September, 1879	\$269 30
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(No. 13.)

Balance on hand 30th September, 1880	\$269 30
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TAXES OF 1879.

(No. 14.)

Received, viz :

From the Comptroller, pursuant to act chapter 27,
Laws of 1879, to provide for a deficiency in the
Sinking Fund under article 7, section 3..... \$789,724 90

(No. 15.)

Transferred, viz.:

To the Sinking Fund for the redemption of
the canal debt under article 7, section 3. See No. 4, \$789,724 90

FUND FOR THE ENLARGEMENT OF THE ERIE, THE
OSWEGO AND CAYUGA AND SENECA CANALS, AND FOR
THE COMPLETION OF THE BLACK RIVER AND GENESEE
VALLEY CANALS, AND FOR OTHER PURPOSES.

(Article 7, section 3 of the Constitution, and chapter 329, Laws of 1854.)

(No. 16.)

Balance on hand 30th September, 1879..... \$201,319 74

Received, viz.:

Interest on deposits..... 1,981 29

\$203,301 03

(No. 17.)

Paid, viz.:

Transferred to sundry fund accounts for the payment of awards and
interest thereon, etc., viz.:

Fund of the Erie canal en-
largement.....See No. 24, \$2,708 29

Fund of the Erie and Cham-
plain canals.....See No. 26, 29,491 33

Fund of the Chenango canal. See No. 34, 1,341 35

\$33,540 97

Balance on hand 30th September, 1880..... 169,760 06

\$203,301 03

FUND FOR THE ENLARGEMENT OF THE CHAMPLAIN
CANAL.

*(Under chapter 788, Laws of 1870, chapter 399, Laws of 1874, chap-
ter 185, Laws of 1876, and chapter 202, Laws of 1878.)*

(No. 18.)

Balance on hand 30th September, 1879..... \$286,814 34

Carried forward \$286,814 34

Brought forward	\$286,814 34
<i>Received, viz. :</i>	
Interest on deposits	8,604 43
	<u>\$295,418 77</u>

(No. 19.)

Paid, viz. :

Transferred to fund of the Erie and Cham- plain canals for improvement work on the Champlain canal	See No. 26, \$10,869 21
Balance on hand 30th September, 1880	284,549 56
	<u>\$295,418 77</u>

FUND TO PROVIDE FOR THE RECONSTRUCTION OF THE ONEIDA LAKE CANAL.

(No. 20.)

Balance on hand 30th September, 1879	\$25,265 37
<i>Received, viz. :</i>	
Interest on deposits	757 96
	<u>\$26,023 33</u>

(No. 21.)

Balance on hand 30th September, 1880	<u>\$26,023 33</u>
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DEPOSITS OF CONTRACTORS TO SECURE THE PERFORM- ANCE OF CONTRACTS FOR NEW WORK AND EXTRAOR- DINARY REPAIRS.

(Chapter 930, Laws of 1871.)

(No. 22.)

Balance on hand 30th September, 1879	<u>\$2,000 00</u>
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(No. 23.)

Balance on hand 30th September, 1880	<u>\$2,000 00</u>
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FUND OF THE ERIE CANAL ENLARGEMENT.

(No. 24.)

Received, viz.:

Transferred from the fund for the enlargement and the completion, etc	See No. 17,	\$2,708 29
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(No. 25.)

Paid, viz.:

B. S. W. Clark, Superintendent of Public Works, for expenditures.....	\$2,161 59
S. B. Dutcher, Superintendent of Public Works, for expenditures	322 00
For recording transcripts, and examining abstracts of title	108 06
Interest on awards by the Canal Appraisers.....	116 64
	<u>\$2,708 29</u>

ERIE AND CHAMPLAIN CANAL FUND.

(No. 26.)

Received, viz.:

Tolls on the Erie canal.....	\$1,104,468 14	
Tolls on the Champlain canal.....	50,939 80	
		<u>\$1,155,407 94</u>
Rent of surplus water.....		2,177 08
Errors in collectors' accounts.....		82 07
From James Dougrey, Jr., late superintendent section 1, Champlain canal, for balance of account		89 08
From B. S. W. Clark, Superintendent Public Works, for amount collected of village authorities of Brockport their proportion for bridge approach,	\$27 30	
For amount collected of patrolmen for hats sold them.....	48 00	
For amount collected of Osborn House driver, Rochester, for bridge lever broken by him.....	2 50	
For amount received from John Kilderhouse for use of State dredge at Buffalo	\$140 00	
Less expended for repairs.	138 37	
		<u>1 63</u>
		79 43
From B. Van Vranken, late superintendent section 2, Erie canal, for balance of account.....		<u>153 88</u>
Carried forward.....		\$1,157,989 48

Brought forward.....		\$1,157,989 48
From B. S. W. Clark, Superintendent of Public Works, for proceeds of sale to Sheldon & Co., Auburn, of 32,960 lbs. scrap iron, at \$24 per gross ton,	\$353 19	
Less freight to Auburn	38 74	
		314 45
Also for sale to Foster & Green of State'scow Frank Foster		50 00
For 13,090 lbs. of cast iron scrap sold, from State yard at Rochester, to John E. Jones		130 90
For amount collected of S. W. McCollum for ice.....		160 00
For amount collected of H. Ulrick for ice		20 00
For rent of land at wide water near Rochester.....		5 00
For amount received on sundry items		40 83
From S. B. Dutcher, Superintendent of Public Works, proceeds of sale of old boiler in State yard at Rochester, to M. S. Oates.....		200 00
From G. B. Sherrill, late superintendent section 2, Champlain canal, for balance of account.....		238 49
From George E. Simmons, late superintendent section 1, Erie canal, for balance of account		26 99
From J. H. H. French, late superintendent section 6, Erie canal, for balance of account.....		207 95
From Robine Hathaway, late superintendent section 2, Erie canal, for balance of account.....		75 15
From Elnathan Sweet, Jr., late division engineer, for balance of account.....		24 66
From R. D. Ford, late superintendent section 11 of Erie canal, for balance of account.....		64 18
From S. B. Dutcher, Superintendent of Public Works, for ice permits sold on middle division from October 1st, 1879, to September 10th, 1880.....		278 50
From Very Rev. P. Ludden, of Troy, for return through him of money wrongfully taken from the State by some person not made known.....		20 00
From S. B. Dutcher, Superintendent of Public Works, for ice permits sold on western division, from February 11th to July 8th, 1880		377 00
Fees for recording mortgages.....		170 00
Interest on deposits.....		11,533 92
On account of balances in the hands of Canal Commissioner and Superintendent of Public Works, September 30, 1879, viz:		
Adin Thayer, Canal Commissioner	\$433 33	
B. S. W. Clark, Superintendent of Public Works.....	17,010 94	
		17,444 27
Transferred from the following accounts, viz:		
Fund for the enlargement and completion, etc.....See No. 17,	\$29,491 33	
Carried forward	\$29,491 33	\$1,189,371 77

Brought forward.....	\$29,491 33	\$1,189,371 77
Fund for improvement of Champlain canal.....	See No. 19, 10,869 21	
Fund for extraordinary repairs.....	See No. 9, 13,983 79	
		54,344 33
Transferred the following balances of surplus tolls, viz.:		
From the Oneida River improvement.....	See No. 43, \$269 72	
From the Seneca River towing-path.....	See No. 45, 31 37	
From the Cayuga inlet.....	See No. 47, 34 27	
		335 36
		\$1,244,051 46
Balances in hands of Canal Commissioner and Superintendent of Public Works.....		481 92
		\$1,244,533 38

(No. 27.)

Paid, viz.:

For repairs and improvements, to wit:

ERIE CANAL.

To B. S. W. Clark, Superintendent of Public Works, for ordinary repairs....	\$73,077 35	
To S. B. Dutcher, Superintendent of Public Works, for ordinary repairs....	129,494 31	
To division engineers for ordinary repairs, viz.:		
Elnathan Sweet, Jr., eastern,	\$6,000 00	
W. Scott Lasher, eastern....	2,000 00	
	8,000 00	
Marvin Porter, middle.....	12,000 00	
Thomas Evershed, western.....	10,000 00	
To section superintendents for ordinary repairs and salaries.....	285,163 93	
		\$517,735 59
To R. W. *Stroud, Canal Commissioner, for extraordinary repairs, old account.....		9,740 61
To collectors of canal tolls, for salaries and expenses of their offices, viz.:		
Jacob A. Davis, New York..	\$1,856 59	
Wm. T. O'Brien, New York..	2,642 58	
	\$4,499 17	
John McKenna, Albany....	\$1,512 93	
David A. Bulson, Albany ...	1,853 87	
	3,366 80	
Carried forward.....	\$7,865 97	\$527,476 20

Brought forward.....		\$7,865 97	\$527,476 20
James Hamil, West Troy....	\$2,193 08		
J. H. Hulsapple, West Troy.	2,549 12		
		4,742 20	
Walter I. Martin, Utica	\$976 27		
Louis Faass, Utica.....	1,301 86		
		2,278 13	
Jas. D. Corcoran, Rome.....	\$794 33		
Egbert E. Carr, Rome.....	810 04		
		1,604 37	
Chas. E. Stevens, Syracuse..	\$1,270 55		
A. Von Landberg, Syracuse.	1,516 95		
		2,787 50	
W. W. Emerson, Montezuma,	\$841 24		
Frank Torreý, Montezuma..	989 53		
		1,830 77	
James Fee, Rochester.....	\$1,209 77		
Henry Hebing, Rochester...	1,478 23		
		2,688 00	
Fred. W. Clemons, Palmyra.....		949 19	
Chas. F. Rogers, Tonawanda,	\$1,521 34		
Emil Schnitzer, Tonawanda.	1,862 09		
		3,383 43	
John McManus, Buffalo	\$3,625 80		
Chas. M. King, Buffalo.....	4,462 59		
		8,088 39	
			36,217 95
To weighmasters, viz.:			
Isaac Jones, Albany	\$520 50		
E. D. Weidman, Albany	645 70		
		\$1,166 20	
Thomas F. Riley, West Troy,	\$452 86		
Lewis Taylor, West Troy-...	623 10		
		1,075 96	
George M. Weaver, Syracuse,	\$440 40		
Wm. Cahill, Syracuse.....	623 03		
		1,063 43	
Wm. D. Kinney, Rochester..	\$531 13		
Jas. Gosnell, Rochester	661 12		
		1,192 25	
			4,497 84
Interest on certificates for extraordinary repairs . . .			3,690 70

CHAMPLAIN CANAL.

For ordinary repairs:

To B. S. W. Clark, Superintendent Public Works.....	\$21,295 01		
To S. B. Dutcher, Superintendent Public Works.....	18,049 64		
Carried forward.....	\$39,344 65	\$571,882 69	
[Assem. Doc. No. 4.]	5		

Brought forward.....	\$39,344 65	\$571,882 69
To section superintendents.....	79,691 58	
To B. S. W. Clark, Superintendent Public Works, for improvement work...	10,190 21	
To E. Sweet, Jr., division engineer, for improvement work.....	679 00	
To B. S. W. Clark, Superintendent Public Works, for damages.....	381 00	
Interest on awards of Canal Appraisers.....	15 23	
To weighmasters, viz.:		
John M. Galligan, Waterford, \$503 78		
Thos. Van Derkar, do 641 25		
	1,145 03	
To collectors of toll, viz.:		
D. R. Harlow, Waterford.... \$735 20		
Thomas Preston, do 942 44		
Geo. Satterlee, Fort Edward, 706 38		
Wm. R. Ottman, do 801 38		
W. A. Wilkins, Whitehall... 772 95		
James Doren, do ... 1,115 05		
	5,073 40	
		136,520 10
For legal services:		
To P. McNamara	\$2,695 22	
To John J. Van Allen.....	2,229 55	
To Levi H. Brown.....	551 80	
To Jas. R. & W. C. Cox	2,012 85	
To Charles Rhodes.....	535 21	
To W. & J. D. Kernan.....	1,166 62	
To Samuel Earl.....	236 25	
To John G. Gibson	19 14	
To Pratt & Brown.....	1,227 00	
To Pratt & Brown, survivors, etc.....	760 75	
To George C. Greene.....	1,620 00	
To Magone & Sawyer	2,300 00	
To J. C. Saunders.....	1,020 41	
To W. P. Cantwell.....	1,807 56	
To S. S. Edick	2,211 75	
To W. M. Brown, survivor, etc.....	5,883 44	
To D. S. Potter.....	815 00	
To Brown & Sheldon	835 00	
		27,927 55
Allowances by Canal Board, viz.:		
To Bristol & Robbins	\$552 48	
To John S. Wolfe.....	450 00	
To Aaron B. King ...	185 20	
		1,187 68
Costs of suits.....		1,709 71
Horatio Seymour, Jr., State Engineer and Surveyor,		
For salary.....	\$5,000 00	
For travel.....	200 00	
		5,200 00
Carried forward.....		\$744,427 73

Brought forward.....		\$744,427 73
B. S. W. Clark, Superintendent Public Works,		
For salary.....	\$2,360 65	
For traveling expenses.....	106 45	
		2,467 10
S. B. Dutcher, Superintendent Public Works,		
For salary.....	\$3,639 35	
For traveling expenses.....	312 46	
		3,951 81
James Shanahan, Ass't Supt. Public Works,		
For salary.....	\$3,000 00	
For traveling expenses.....	489 50	
		3,489 50
John Stebbins, Ass't Supt. Public Works,		
For salary.....	\$3,000 00	
For traveling expenses.....	823 78	
		3,823 78
Henry L. Fish, Ass't Supt. Public Works,		
For salary.....	\$3,000 00	
For traveling expenses.....	608 97	
		3,608 97
George W. Schuyler, salary as Auditor of Canal Department.....		3,654 36
John A. Place, salary as Auditor of Canal Department.....		1,345 64
For compensation clerks Canal Department, under chapter 269, Laws of 1879, viz.:		
Edmund Savage.....	\$3,500 00	
Wm. McGourkey.....	2,475 00	
E. C. Johnson.....	1,950 00	
G. H. Birchall.....	1,800 00	
Richard G. Milks.....	450 00	
L. B. Babcock.....	562 50	
Geo. W. Slingerland.....	702 16	
Daniel Cooney.....	1,650 00	
John S. Wolfe.....	838 80	
Charles R. Allen.....	161 20	
H. J. McDonnald.....	800 00	
C. D. Austin.....	100 00	
		14,989 66

Canal Appraisers' Office.

For the compensation of the Canal Appraisers and their clerks, travel and miscellaneous expenses of office, under chapter 269, Laws of 1880, viz.:

Vivus W. Smith, for salary, travel, and miscellaneous expenses of office.....	\$2,440 65
Charles G. Myers, for salary, travel, and miscellaneous expenses of office.....	2,391 92
Hezekiah Sturges, for salary, travel, and miscellaneous expenses of office.....	3,791 17
Wm. J. Morgan, for salary, travel, and miscellaneous expenses of office.....	3,126 70

Carried forward.....	\$11,750 44	\$781,758 55
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Brought forward.....	\$11,750 44	\$781,758 55
Wm. L. Bostwick, for salary, travel, and miscellaneous expenses of office.....	3,007 47	
Charles M. Dennison, for salary, travel, and miscellaneous expenses of office..	1,476 89	
Cornelius Glen, chief clerk and clerk of Board	1,630 45	
D. J. Apgar, chief clerk and clerk of Board	1,869 55	
George R. Myers, clerk.....	1,500 00	
P. A. Hopkins, clerk.....	1,250 00	
Robert Harris, clerk.....	1,833 33	
T. L. Goodwin, for stationery.....	132 50	
W. M. Stetson, for stationery and law books.....	151 23	
W. H. Craig, P. M., for postage stamps.	55 12	
Weed, Parsons & Co., for printing.....	66 00	
Robert K. Oliver, for book case and table,	142 44	
		24,865 42
The Argus Co., for printing blanks, etc., for use of collectors, weighmasters and other offices, including printing, etc., for Department.....		2,877 85
The Argus Co., for advertising proceedings Canal Board	\$322 00	
The Argus Co., for advertising notice payment of awards.....	30 50	
		352 50
The Journal Co., for advertising notice of payment of awards of Canal Appraisers.....		31 00
For tolls refunded, and penalties remitted.....		175 70
Fort Miller Bridge Co., for use of towing-path across the Hudson river — an annual payment.....		1,000 00
P. Laden, for packing boxes.....		31 84
Edwin Ellis & Co., for stationery.....		12 54
American Express Co., for transportation.....		176 20
National Express Co., for transportation.....		37 75
Hudson Valley Paper Co., for stationery		15 50
For postage stamps and rent of post-office drawer....		180 58
W. R. Prentice, for Tribune and Herald		12 20
James Costigan, for taking down stoves, etc.....		14 50
Joseph McCann, for gas stand and burner		13 39
A. M. Michael, for ribbon stamp		10 00
Toll refunded		16 49
T. L. Goodwin, for paper and note headings		39 00
Kate Costigan, for washing towels		6 00
Telegraphing		23 19
R. G. Dun & Co., subscription to mercantile agency to March 1, 1881		150 00
B. Quinn, for stationery		13 55
Comptroller, for stationery.....		27 27
Transportation		21 85
Washing towels.....		18 00
Carried forward.....		\$811,860 37

Brought forward.....	\$811,880 37
For newspapers	25 00
For stationery	15 58
For repairing furniture	9 88
Mail carrier	5 00
Messenger.....	40
Transferred to sundry fund accounts, to supply deficiencies of the lateral canals, to pay repairs, etc., viz:	
Oswego canal.....See No. 28,	\$23,488 55
Cayuga and Seneca canal...See No. 30,	10,290 88
Chemung canal.....See No. 32,	6,119 07
Chenango canal.....See No. 34,	6,282 59
Genesee Valley canal.....See No. 38,	17,347 88
Black River canal.....See No. 36,	39,592 88
Oneida Lake canal.....See No. 40,	430 32
	103,552 17
Appropriations overdrawn 30th September, 1879:	
For balance in hands of Adin Thayer, late Canal Commissioner	433 83
For balance in hands of B. S. W. Clark, Superintendent Public Works.....	17,010 94
Transferred to sinking fund for the redemption of the canal debt, under article 7, section 3, of the Constitution.....See No. 4.	311,118 79
To Adin Thayer, late Canal Commissioner, for balance in his hands 30th September, 1880.....	433 33
To S. B. Dutcher, Superintendent of Public Works, for balance in his hands 30th September, 1880.....	48 59
	\$1,244,533 38

OSWEGO CANAL FUND.

(No. 28.)

Balance on hand 30th September, 1879.....	\$4,399 91
<i>Received, viz.:</i>	
From tolls	14,388 45
<i>Transferred:</i>	
Deficiency from tolls of the Erie and Champlain canals.....See No. 27,	23,488 55
	\$42,276 91

.(No. 29.)

Paid, viz.:

John C. Cooley, collector canal tolls at Oswego	\$1,114 07
Wm. S. Turner, collector of tolls at Oswego,	1,467 31
	\$2,581 38
Carried forward.....	
	\$2,581 38

Brought forward.....	\$2,581 38
To section superintendents for ordinary repairs, viz.:	
James Kinny, section 1.....	\$2,033 09
Dewitt C. Toll, section 1	6,668 92
Francis M. Wilson, section 2.....	3,730 65
Orville J. Jennings, section 2	10,452 70
	22,885 36
B. S. W. Clark, Superintendent Public Works, for ordinary repairs	\$5,343 51
S. B. Dutcher, Superintendent Public Works, for ordinary repairs.....	7,066 75
	12,410 26
	\$37,877 00
Balance on hand 30th September, 1880.	4,399 91
	\$42,276 91

CAYUGA AND SENECA CANAL FUND.

(No. 30.)

Received, viz.:

Tolls	\$1,462 57
<i>Transferred:</i>	
Deficiency from the tolls of the Erie and Champlain canals.....	See No. 27, 10,290 88
	\$11,753 45

(No. 31.)

Paid, viz.:

Daniel E. Moore, collector of tolls at Geneva	\$558 69
Abraham Robison, collector of tolls at Geneva	654 56
	\$1,213 25
To section superintendents for ordinary repairs, viz.:	
John Emmett	\$2,076 07
Nathaniel J. Latham	5,262 88
	7,338 95
B. S. W. Clark, Superintendent Public Works, for ordinary repairs.....	\$708 93
S. B. Dutcher, Superintendent Public Works, for ordinary repairs.....	2,492 32
	3,201 25
	\$11,753 45

CHEMUNG CANAL FUND.

(No. 32.)

Received, viz.:

From Calvin Shelton, late superintendent of repairs,
for balance of account..... \$124 32

Transferred, viz.:

Deficiency from the tolls of the Erie and
Champlain canals See No. 27, 6,119 07
\$6,243 39

(No. 33.)

Paid for ordinary repairs, viz.:

B. S. W. Clark, Superintendent Public
Works..... \$158 62
S. B. Dutcher, Superintendent Public
Works..... 1,775 03
\$1,933 65
Calvin Shelton, section superintendent, for ordinary
repairs..... 4,309 74
\$6,243 39

CHENANGO CANAL FUND.

(No. 34.)

*Received, viz.:**Transferred from the following accounts, viz.:*

Fund for the enlargement and completion, etc., See No. 17, \$1,341 35
Deficiency from the tolls of the Erie and
Champlain canals..... See No. 27, 6,282 59
\$7,623 94

(No. 35.)

*Paid, viz.:**For ordinary repairs:*

B. S. W. Clark, Superintendent of Public
Works..... \$3,139 74
S. B. Dutcher, Superintendent of Public
Works..... 1,683 35
Fred. P. Drew, section superintendent.... 900 61
T. W. W. Washburn, section superintend-
ent..... 558 89
\$6,282 59
Carried forward \$6,282 59

Brought forward		\$6,282 59
B. S. W. Clark, Superintendent of Public Works, for damages	\$165 00 ^a	
S. B. Dutcher, Superintendent of Public Works, for damages	1,146 50	
		1,311 50
Interest on awards of the Canal Appraisers.....		29 85
		<u>\$7,623 94</u>

BLACK RIVER CANAL FUND.

(No. 36.)

Balance on hand 30th September, 1879.....		\$624 93
<i>Received, viz.:</i>		
Tolls		11,724 16
From Charles D. Moore, late superintendent of repairs, for balance of account		75 51
<i>Transferred, viz.:</i>		
Deficiency from the tolls of the Erie and Champlain canals.....	See No. 27,	39,592 88
		<u>\$52,217 48</u>

(No. 37.)

Paid, viz.:

To collectors of canal toll, viz.:		
L. J. Colton, Boonville.....	\$475 66	
Leander W. Fiske, Boonville.....	566 48	
		\$1,042 14
For ordinary repairs, viz:		
B. S. W. Clark, Superintendent of Public Works.....	\$8,932 08	
S. B. Dutcher, Superintendent of Public Works.	15,081 71	
Sam'l M. Ferguson, section superintendent.....	17,893 37	
John M. Whipple, superintendent section 1	6,086 64	
Hamilton Wilcox, superintendent section 2	2,356 61	
		50,350 41
		\$51,392 55
Balance on hand 30th September, 1880.....		824 93
		<u>\$52,217 48</u>

GENESEE VALLEY CANAL FUND.

(No. 38.)

Received, viz.:

From John Fitch, late superintendent of repairs, for balance of account.....	\$62 50
Transferred from the following accounts, viz.:	
Fund for extraordinary repairs See No. 9,	1,051 79
Deficiency from tolls of the Erie and Champlain canals..... See No. 27,	17,847 88
	\$18,462 17

(No. 39.)

Paid, viz.:

T. J. Gamble, collector of canal tolls at Mount Morris, For ordinary repairs:	\$188 90
B. S. W. Clark, Superintendent of Public Works.....	\$5,395 35
S. B. Dutcher, Superintendent of Public Works.....	2,881 69
John Fitch, section superintendent.....	6,443 81
William Napier, section superintendent,	2,550 63
	17,271 48
B. S. W. Clark, Superintendent of Public Works, for extraordinary repairs.....	1,051 79
	\$18,462 17

ONEIDA LAKE CANAL FUND.

(No. 40.)

Received, viz.:

Transferred deficiency from tolls of the and Erie Champlain canals See No. 27,	\$430 32
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(No. 41.)

Paid, viz.:

B. S. W. Clark, Superintendent of Public Works, for ordinary repairs.....	\$430 32
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FUND OF THE ONEIDA RIVER IMPROVEMENT.

(No. 42.)

Received, viz.:

Tolls.....	\$269 72
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(No. 43.)

Paid, viz.:

Transferred to fund of Erie and Cham- plain canals, surplus tolls.....	See No. 26,	<u>\$269 72</u>
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FUND OF THE SENECA RIVER TOWING-PATH.

(No. 44.)

Received, viz.:

Tolls.....	<u>\$31 37</u>
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(No. 45.)

Paid, viz.:

Transferred to fund of the Erie and Champlain canals, surplus tolls.....	See No. 26,	<u>\$31 37</u>
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FUND OF THE CAYUGA INLET.

(No. 46.)

Received, viz.:

Tolls.....	<u>\$68 53</u>
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(No. 47.)

Paid, viz.:

To the treasury, under act chapter 25, Laws of 1847..	\$34 26
Transferred to fund of the Erie and Champlain canals, surplus tolls . . . See No. 26,	34 27
	<u>\$68 53</u>

CANAL DEBT.

(No. 48.)

(Under article 7, section 1 of the Constitution.)

Erie and Champlain canals:

Stock not bearing interest.....	\$160 00
Redeemable as follows, viz.:	
Six per cent, July 1, 1837.....	<u>\$160 00</u>

To supply deficiency:

Stock not bearing interest....	6,000 00
Redeemable as follows, viz.:	
Five per cent, January 1, 1874.....	<u>\$6,000 00</u>

Total canal debt under article 7, section 1 of the Constitution, paying no interest.....	<u>\$6,160 00</u>
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(Under article 7, section 3 of the Constitution.)

For payment of canal revenue certificates :

Stock not bearing interest \$500 00

Redeemable as follows, viz.:

Six per cent, July 1, 1873..... \$500 00

To supply deficiencies:

Stock bearing six per cent interest..... 8,981,700 00

Redeemable as follows, viz.:

Six per cent, 1st January, 1883..... \$643,200 00

Six per cent, 1st July, 1887..... 1,562,900 00

Six per cent, 1st July, 1891, July loan 2,328,000 00

Six per cent, 1st July, 1891, Nov. loan 1,974,600 00

Six per cent, 1st October, 1892..... 2,000,000 00

Six per cent, 1st October, 1893..... 473,000 00\$8,981,700 00Total canal debt under section 3..... \$8,982,200 00Of which there pays no interest..... 500 00Total canal debt under section 3, paying interest..... \$8,981,700 00**RECAPITULATION OF THE FOREGOING STATEMENT OF
THE CANAL DEBT PAYING INTEREST ON THE 30TH
SEPTEMBER, 1880.**Under article 7, section 3 of the Constitution..... \$8,981,700 00

STATEMENT of the Canal Debt 30th September, 1880, showing each description of stock, the amount redeemable in each year, and the annual interest on the same.

WHEN DUE.	Five per cent.	Six per cent.	Total.
1887.....		\$100 00	\$100 00
1873.....		500 00	500 00
1874.....	\$6,000 00		6,000 00
Pays no interest.....	\$6,000 00	\$600 00	\$6,600 00
1893.....		\$845,200 00	\$845,200 00
1887.....		1,532,900 00	1,532,900 00
1891.....		4,308,600 00	4,308,600 00
1892.....		2,000,000 00	2,000,000 00
1893.....		475,000 00	475,000 00
Debt paying interest.....		\$8,981,700 00	\$8,981,700 00
Debt not paying interest.....	\$6,000 00	600 00	6,600 00
Total debt.....	\$6,000 00	\$8,988,300 00	\$8,988,300 00
Annual interest.....		\$538,902 00	\$538,902 00

AN ANALYSIS OF THE FOREGOING TABLE.

	Principal of debt and sections of article 7 of the Constitution.	Annual interest of the debt.
Section 3, 6s	\$8,981,700 00	\$538,902 00

The interest on the debt is six per cent.

Of the above debt paying interest there was held on the 30th September, 1880:

On the United States account.....	\$8,082,600 00
On foreign account.....	899,100 00
	<u>\$8,981,700 00</u>

(No. 49.)

STATEMENT showing the balance on hand September 30, 1880, how deposited and invested, together with the names of the accounts to which it belongs.

DEPOSITED.

Names of banks.	Amounts.
Albany City National Bank.....	\$214,258 43
Bank of Attica, Buffalo.....	90,838 89
Bank of Buffalo.....	90,782 41
Bank of Commerce, Buffalo.....	90,408 13
Bank of Monroe, Rochester.....	2,000 00
Cayuga County National Bank, Auburn.....	6,132 26
Central National Bank, Rome.....	10,337 29
Evans, Schwinger & Co., Tonawanda.....	74,947 55
Farmers and Mechanics' National Bank, Buffalo	45,735 76
Carried forward.....	<u>\$625,440 72</u>

Names of banks.	Amounts.
Brought forward.....	\$625,440 72
First National Bank, Albany.....	210,285 54
First National Bank, Auburn.....	14,853 49
First National Bank, Boonville.....	10,866 86
First National Bank, Buffalo.....	90,472 03
First National Bank, Oswego.....	50,154 90
First National Bank, Palmyra.....	436 19
First National Bank, Rome.....	2,440 38
First National Bank, Whitehall.....	13,604 81
Flour City National Bank, Rochester.....	4,360 55
Fort Stanwix National Bank, Rome.....	9,357 33
German Bank, Buffalo.....	65,483 47
Hanover National Bank, New York.....	36,231 88
Manhattan Company, New York.....	12,188 38
Manufacturers and Traders' Bank, Buffalo.....	90,002 68
Manufacturers' National Bank, Troy.....	49,187 63
Marine Bank, Buffalo.....	70,081 76
Merchants' National Bank, Albany.....	210,770 47
Mutual National Bank, Troy.....	98,973 55
New York State Banking Company, Syracuse.....	31,123 61
New York State National Bank, Albany.....	211,099 01
Old National Bank, Whitehall.....	28,355 60
Saratoga County Bank, Waterford.....	15,223 87
Second National Bank, Oswego.....	22,007 44
Third National Bank, Buffalo.....	90,165 10
Utica City National Bank.....	12,674 44
White's Bank, Buffalo.....	45,757 82
Wilkinson & Co., Syracuse.....	33,879 31

Available..... \$2,155,478 82

Atlantic National Bank, New York.....	\$1,598 66
Bank of Corning.....	11,135 63
Bank of Hornellsville.....	9,554 11
Canal Bank, Lockport.....	7,231 20
Central City Bank, Syracuse.....	10,674 08
Farmers and Mechanics' Bank, Rochester.....	20,518 57
J. T. Raplee's Bank, Penn Yan.....	1,689 07
Lockport Bank and Trust Company.....	8,845 00
Medina Bank.....	4,469 88
New York and Erie Bank, Buffalo.....	34,629 26
Oliver Lee & Co.'s Bank.....	12,777 73
Pratt Bank, Buffalo.....	7,543 81

Unavailable..... \$130,667 00

Amount deposited in banks, available..... \$2,155,478 82

Carried forward..... \$2,155,478 82

	Amounts
Brought forward.....	\$2,155,478 82
Amount deposited in banks, unavailable.....	130,667 00
Total amount deposited.....	\$2,286,145 82

INVESTED.

United States bonds, 4½s of 1891.....	\$240,000 00	
United States bonds, 5s of 1881.....	792,700 00	
Real estate, Bank of Corning.....	3,799 00	
		1,036,499 00
Appropriations overdrawn, viz.:		
The Erie and Champlain canals, for unexpended		
balances in hands of:		
Adin Thayer, late Canal Commissioner...	\$433 33	
S. B. Dutcher, Superintendent of Public		
Works	48 59	
		481 92
		<u>\$3,323,126 74</u>

Of the amount deposited and invested, there belongs to:

Sinking fund for the redemption of the canal debt	See No. 3,	\$6,160 00
Sinking fund for the redemption of the debt for the enlargement and completion of the canals	See No. 5,	2,045,320 17
Investment of premiums on loans.....	See No. 7,	12,014 66
Fund for extraordinary repairs	See No. 9,	771,098 24
Fund for the Albany basin.....	See No. 11,	706 58
Taxes, 1866.....	See No. 13,	269 30
Fund for the enlargement of the Erie, the Oswego, etc.....	See No. 17,	169,760 06
Fund for the enlargement of the Champlain canal	See No. 19,	284,549 56
Fund for the reconstruction of the Oneida Lake canal.....	See No. 21,	26,023 33
Contractors' deposit fund	See No. 23,	2,000 00
Fund of the Oswego canal	See No. 29,	4,399 91
Fund of the Black River canal	See No. 37,	824 93
		<u>\$3,323,126 74</u>

(No. 50.)

STATEMENT of the operation of the Sinking Fund for the Canal Debt, under Article 7, Section 1 of the Constitution.

YEARS.	RECEIVED.							Total.
	Loans to sup- ply decten- cies.	Loans.	Proceeds of taxes.	From tolls.	Interest on de- posits and in- vestments, and discount on stocks pur- chased.	Reimburse- ment of temporary investments, in taxes to be levied and in- terest there- on.	Miscellaneous.	
1846				\$433,233 33	.....	.....	.....	\$433,233 33
1847				1,300,000 00	.....	.....	.....	1,300,000 00
1848	\$255,000 00	\$12,568 94	\$112,410 30	1,300,000 00	\$1,989 71	.....	.....	2,265,168 94
1849	1,726,024 76	.....	.....	1,300,000 00	7,774 23	.....	.....	2,047,559 00
1850		215,610 76	.....	1,300,000 00	.....	.....	.....	1,535,450 69
1851				1,300,000 00	.....	.....	.....	1,300,000 00
1852				1,300,000 00	.....	.....	.....	1,303,270 00
1853				1,300,000 00	.....	.....	.....	1,323,355 79
1854				1,300,000 00	.....	.....	.....	1,917,145 86
1855				1,300,000 00	.....	.....	.....	1,328,000 00
1856	4,000,000 00	.....	.....	1,700,000 00	.....	\$657,145 86	.....	6,714,000 00
1857		25,427 73	.....	1,549,015 60	.....	.....	.....	1,624,147 33
1858	1,500,000 00	24,300 00	40,500 00	968,255 97	65,674 74	.....	.....	2,745,551 96
1859			47,000 00	968,000 00	18,705 32	.....	.....	1,027,705 99
1860				1,069,611 61	14,660 48	.....	.....	2,611,523 54
1861	1,300,000 00	16,838 50	.....	1,700,000 00	22,942 24	.....	.....	9,451,523 98
1862				1,700,000 00	54,000 00	.....	.....	1,722,942 24
1863				1,700,000 00	61,297 00	.....	.....	2,336,113 76
1864				1,650,001 85	99,323 25	.....	.....	1,768,227 00
1865				1,700,000 00	59,982 22	.....	.....	1,769,055 79
1866				1,700,000 00	75,471 25	.....	.....	2,227,982 22
1867				1,700,000 00	73,173 43	.....	.....	2,399,471 35
1868				1,700,000 00	59,513 00	.....	.....	2,368,173 43
1869					63,803 75	1,034,500 00	.....	1,094,013 00
1870					38,040 00	.....	.....	89,843 75
1871					14,030 99	.....	.....	539,030 99
1872					13,541 92	.....	.....	304,008 59
1873					25,473 71	.....	.....	513,803 71
1874					10,683 40	.....	.....	.....
1875, 1876, 1877, 1878, 1879								
1880								
Total	\$9,254,024 76	\$372,080 93	\$401,910 30	\$32,597,373 04	\$998,527 77	\$6,070,791 73	\$45,732 53	\$49,182,385 04

STATEMENT No. 50 — (Continued.)

PAID.

Y RARS.	Principal of debt.	Interest on debt.	Claims prior to 1st June, 1846.	Premium on stocks purchased.	Accrued interest on stocks purchased.	Temporary investments in taxes to be collected.	Investments in stocks.	Certificates, plates and agency in New York.	Premium on coin purchased to pay interest.	General fund for deferred contributions, under art. 7, sec. 2 of the Constitution and in thereon.	Miscellaneous.	Total.
1846.	\$483,333 83	\$37,205 64	.....	\$5,131 40	.....	.....	.....	\$1,116 00	.....	.....	.....	\$483,333 83
1847.	205,253 00	911,738 06	.....	3,839 25	\$9 21	.....	.....	452 00	.....	.....	.....	1,149,709 04
1848.	1,341,439 00	699,999 05	.....	.....	2,101 38	.....	.....	2,597 00	.....	.....	.....	2,259,515 51
1849.	2,097,329 00	861,311 00	.....	.....	1,698 84	.....	.....	1,855 09	.....	.....	.....	3,000,089 43
1850.	498,798 64	825,435 88	64,715 52	.....	1,177 05	.....	.....	257 50	.....	.....	.....	1,432,594 60
1851.	573,039 91	801,161 00	34,829 83	.....	278 53	.....	.....	170 75	.....	.....	.....	1,433,309 87
1852.	840,265 57	801,161 00	.....	.....	.....	.....	.....	1,075 00	.....	.....	.....	1,143,875 73
1853.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,424,715 97
1854.	479,025 00	722,911 00	10,936 86	.....	.....	.....	.....	2,279 86	.....	.....	.....	1,286,108 62
1855.	1,171,911 00	750,969 07	26,177 03	.....	.....	.....	.....	2,411 05	.....	.....	.....	1,890,108 15
1856.	4,115,256 34	692,193 23	12,113 37	.....	.....	.....	.....	2,301 83	.....	.....	.....	4,895,491 11
1857.	102,295 00	692,193 23	22,577 93	.....	297 95	.....	.....	2,301 83	.....	.....	.....	902,469 79
1858.	2,923,177 24	672,710 72	217 39	.....	32 22	.....	.....	2,301 83	.....	.....	.....	3,655,117 40
1859.	152,170 00	614,263 04	180 00	.....	.....	.....	.....	2,301 83	.....	.....	.....	1,873,127 89
1860.	900,323 00	600,116 50	313 00	.....	.....	.....	.....	2,301 83	.....	.....	.....	1,703,838 75
1861.	2,175,551 23	588,675 26	.....	22 49	.....	.....	.....	2,301 83	.....	.....	.....	2,716,794 90
1862.	920,800 00	517,290 45	220 00	36,304 75	8,212 08	.....	.....	2,301 83	.....	.....	.....	1,999,409 34
1863.	431,800 00	497,396 45	50 00	8,391 25	363 80	.....	.....	2,301 83	.....	.....	.....	1,041,501 03
1864.	457,700 00	497,105 96	.....	8,398 50	1,617 43	.....	.....	2,301 83	.....	.....	.....	966,904 89
1865.	2,644,374 76	325,452 51	.....	.....	576 92	.....	.....	2,301 83	.....	.....	.....	3,031,954 79
1866.	415,750 00	261,595 00	.....	500 00	7,693 61	.....	.....	2,301 83	.....	.....	.....	4,053,091 96
1867.	1,693,200 00	279,427 50	.....	.....	8,423 35	.....	.....	2,301 83	.....	.....	.....	2,755,094 11
1868.	1,017,200 00	188,573 75	.....	1,856 45	8,423 35	.....	.....	2,301 83	.....	.....	.....	2,163,108 06
1869.	1,111,200 00	90,490 25	.....	6,038 75	.....	.....	.....	2,301 83	.....	.....	.....	1,244,408 59
1870.	23,000 00	53,898 00	.....	800 00	.....	.....	.....	2,301 83	.....	.....	.....	1,244,408 59
1871.	.....	55,291 00	.....	.....	.....	.....	.....	2,301 83	.....	.....	.....	64,399 85
1872.	.....	55,291 00	.....	.....	.....	.....	.....	2,301 83	.....	.....	.....	80,737 13
1873.	.....	55,291 00	.....	.....	.....	.....	.....	2,301 83	.....	.....	.....	64,108 89
1874.	1,098,290 00	13,830 25	.....	.....	.....	.....	.....	2,301 83	.....	.....	.....	1,281,635 98
1875.	2,170 00	.....	.....	.....	.....	.....	.....	2,301 83	.....	.....	.....	2,170 00

[illegible]

*This amount being a surplus, is transferred to Sinking Fund, under article 7, section 8, in pursuance of act chapter 150 of the Laws of 1878.

[illegible]

*This amount being a surplus, is transferred to Sinking Fund, under article 7, section 8, in pursuance of act chapter 150 of the Laws of 1878.

(No. 51.)

STATEMENT of the operation of the Sinking Fund for the Canal Debt, under article 7, section 3 of the Constitution.

YEARS.	RECEIVED.					Total.
	Loans to supply deficiencies.	Premiums on loans.	Proceeds of taxes.	From tolls.	Interest on deposits and investments, and discount on stock purchased.	Miscellaneous
1854.....	.....	.....	.....	\$94,831 72	\$3,939 00	.....
1855.....	.....	.....	.....	.....	8,438 92	.....
1856.....	.....	.....	.....	.....	4,493 32	.....
1857.....	500,000 00	\$10,450 47	\$222,500 00	.....	4,408 84	\$310 62
1858.....	500,000 00	31,026 50	.....	.....	4,623 29	.....
1859.....	.....	.....	680,000 00	.....	4,860 75	.....
1860.....	1,500,000 00	15,178 50	.....	.....	5,103 79	.....
1861.....	.....	.....	.....	645,849 13	.....	41,086 77
1862.....	.....	.....	1,580,742 61	1,146,242 66	37,178 76	.....
1863.....	.....	.....	198,594 00	1,116,242 66	40,998 54	.....
1864.....	.....	.....	.....	.....	40,443 25	.....
1865.....	.....	.....	680,000 00	.....	40,443 25	.....
1866.....	.....	.....	.....	824,156 39	37,706 75	.....
1867.....	.....	.....	.....	780,165 14	71,381 23	.....
1868.....	.....	.....	.....	1,116,242 66	80,449 84	.....
1869.....	.....	.....	.....	1,882,172 58	38,805 44	.....
1870.....	.....	.....	.....	.....	46,550 22	.....
1871.....	.....	.....	.....	.....	.....	.....
1872.....	1,562,900 00	9,786 86	913,866 65	.....	.....	.....
1873.....	8,145,500 00	.....	123,296 80	123,296 80	.....	.....
1874.....	2,004,800 00	.....	575,539 69	1,276,508 08	.....	183,696 61
1875.....	2,000,000 00	60,000 00	.....	458,679 68	.....	54,823 42
1876.....	473,000 00	27,601 50	*655,578 02	838,138 23	22,285 04	.....
1877.....	.....	.....	.....	.....	11,818 97	.....
1878.....	.....	.....	900,208 50	8,031 33	46,761 90	.....
1879.....	.....	.....	806,063 31	248,902 38	59,466 68	.....
1880.....	.....	.....	789,724 90	160,477 99	43,220 00	.....
Total.....	\$11,886,000 00	\$154,045 83	\$8,021,538 35	\$11,154,509 96	\$605,290 53	\$425,713 06
						\$32,247,027 73

* Transferred from the fund for extraordinary repairs, pursuant to section 7 of chapter 425 of the Laws of 1876. The money was originally appropriated from the proceeds of taxes for extraordinary repairs.

+ Transferred from Sinking Funds under article 7, sections 1 and 12 of the Constitution, pursuant to act chapter 150 of the Laws of 1878, being the surplus of those funds.

STATEMENT No. 51 — (Continued.)

YEARS.	PAID.					
	Principal of debt.	Interest on debt	Premium on stocks purchased.	Accrued interest on stocks purchased.	Interest on temporary advances.	Premium on coin purchased to pay interest.
1834		\$18,691 23	.....	.....	.....	.....
1835		211,274 82	.....	.....	.....	.....
1836		477,464 11	.....	.....	.....	.....
1837		644,914 37	.....	.....	.....	.....
1838		708,280 80	.....	.....	.....	.....
1839		710,000 00	.....	.....	.....	.....
1840		728,000 00	.....	.....	.....	.....
1841		728,000 00	.....	.....	.....	.....
1842		728,000 00	.....	.....	.....	.....
1843		710,000 00	.....	.....	.....	.....
1844		704,450 00	.....	.....	.....	.....
1845		664,213 50	.....	.....	.....	.....
1846		660,800 00	.....	.....	.....	.....
1847		723,000 00	.....	.....	.....	.....
1848		723,000 00	.....	.....	.....	.....
1849		602,800 00	.....	.....	.....	.....
1850		636,200 00	.....	.....	.....	.....
1851		557,100 00	.....	.....	.....	.....
1852		533,656 80	.....	.....	.....	.....
1853		8,145,300 00	.....	.....	.....	.....
1854		2,028,800 00	.....	.....	.....	.....
1855		2,141,600 00	.....	.....	.....	.....
1856		478,000 00	.....	.....	.....	.....
1857		181,000 00	.....	.....	.....	.....
1858		546,088 88	.....	.....	.....	.....
1859		540,622 00	.....	.....	.....	.....
1860		538,902 00	.....	.....	.....	.....
Total	\$13,403,800 00	\$15,668,433 45	\$127,941 43	\$5,775 10	\$40,614 02	\$598,759 28
						\$556,384 23
						\$30,201,707 56
						2,045,380 17
						\$32,247,027 73

Balance on hand 30th September, 1860

STATEMENT of the operation of the Sinking Fund for the Canal Debt, under Article 7, Section 12 of the Constitution.

YEARS.	RECEIVED.				PAID.								Total.
	Proceeds of taxes.	Interest on deposits and investments	Temporary loan to pay interest and investments in taxes and interest.	Total.	Principal of debt.	Interest on debt.	Premium on stocks purchased.	Accrued interest on stocks purchased.	Temporary loan.	Temporary investment in taxes to be collected.	Premium on coin purchased and interest.	Stock debt under article 7, section 10, of the Constitution.	
1860	\$350,000 00		\$187,500 00	\$187,500 00		\$112,500 00							\$112,500 00
1861	475,205 60	18,045 69		493,251 29		150,000 00		\$628 68	\$187,500				387,500 00
1862	355,040 28	5,764 58		360,804 86	\$242,000	150,000 00		1,283 00			\$24,843 75		163,966 58
1863	531,373 94	24,101 64		556,475 58	15,000	135,235 00		197 43			605 59		482,339 75
1864	387,744 87	13,989 55		398,734 42	41,000	182,235 00		1,963 75					154,738 08
1865	279,965 52	35,097 86		415,063 38	459,000	123,765 00		270 00				\$382,555 49	975,986 99
1866	187,575 63	20,676 12		208,251 75	43,000	108,000 00		316 50		\$350,000 00			145,000 00
1867	203,553 20	21,231 25		225,784 45	15,000	101,225 00		75 00					456,400 00
1868	184,171 40	13,801 53	358,750 00	556,522 93	71,000	100,035 00		2,205 00					173,240 00
1869	227,864 79	28,813 21		256,678 00	36,000	85,670 00		2,185 00					470,426 60
1870	240,357 65	2,186 88	341,250 00	432,724 96	651,000	84,075 00				325,000 00	3,573 60		575,784 14
1871	251,435 90	2,789 06	178,600 00	432,724 96	44,000	52,300 00				170,000 00	103,813 95		964,898 95
1872	230,371 15	9,929 49	122,430 00	363,363 64	41,000	52,300 00				315,909 13	7,667 09		490,376 23
1873	290,579 21	7,619 67	334,958 67	603,367 55		52,300 00				335,800 00	4,283 60		862,893 60
1874	212,592 17	13,139 45	352,560 00	578,291 62		52,300 00					7,728 59		60,593 59
1875	290,053 06	33,863 41		323,916 47		52,300 00					6,273 51		69,073 51
1876		23,380 57		23,380 57		52,300 00					1,753 86		127,386 67
1877					860,000	8,824 11					26,722 89	\$91,545 58	1,007,062 53
1878													
1879													
1880													
Total..	\$4,752,584 40	\$270,889 43	\$1,575,883 67	\$6,905,757 50	\$2,500,000	\$2,504,684 11	\$110,023 91	\$2,743 30	\$187,500	\$1,612,299 13	\$303,561 07	\$484,131 07	\$6,905,757 50

*Surplus of the fund transferred to Sinking Fund under article 7, section 8, in pursuance of act chapter 150 of the Laws of 1878.

(No. 53.)

STATEMENT showing the amount of taxes paid into the treasury, for account of the Canal Fund under the present Constitution.

YEARS.	For redemption of Cayuga and Beneca canal stock.	For sinking fund, section 1, under article 7, § 119,410 30	For sinking fund, section 2, under article 7, § 232,500 00	For sinking fund, section 12, under article 7, § 350,000 00	For General Fund, Debt Sinking Fund.	For damages prior to June, 1846, and sundry objects and works.	For enlargement and completion of the canal under article 7, section 2.	For improvement of plain canal.	For extension of the Chenango canal.	For improvement of the Genesee Valley canal.	Total.
1846	\$56,503 47										\$56,503 47
1847		\$119,410 30									119,410 30
1848											621,467 47
1849			\$232,500 00		\$37,500 00						320,000 00
1850					232,500 00						232,500 00
1851		40,500 00					\$1,200,000 00				1,240,500 00
1852		47,000 00					1,033,507 66				1,080,507 66
1853							1,033,515 70				1,069,515 70
1854							1,490,553 28				1,490,553 28
1855							713,674 88				713,674 88
1856							896,614 17				896,614 17
1857											
1858											
1859											
1860											
1861											
1862											
1863											
1864											
1865											
1866											
1867											
1868											
1869											
1870											
1871											
1872											
1873											
1874											
1875											
1876											
1877											
1878											
1879											
1880											
Total.....	\$56,503 47	\$372,777 38	\$7,265,999 66	\$4,752,954 49	\$350,000 00	\$321,467 47	\$19,009,943 46	\$1,867,989 53	\$1,800,104 69	\$353,936 24	\$37,031,705 39
Balance of tax collected in 1887, on hand unappropriated											289 30
											\$37,031,974 69

* Reconstructing Onondaga Lake canal.

† Enlargement of Champlain canal.

‡ \$25,000, reconstructing Onondaga Lake canal.

(No. 54.)

STATEMENT of the amount of tolls received on all the canals, etc., the amount paid to the collectors during the fiscal year ending 30th September, 1880, together with the net amount received in the fiscal years of 1879 and 1880.

CANALS.	Tolls, 1880.	Collectors.	Net, 1880.	Net, 1879.
Erie.....	\$1,104,468 14	\$36,217 95	\$1,068,250 19	\$307,369 43
Champlain.....	50,939 80	5,078 40	45,866 40	38,586 19
Total R. & C. canals.....	\$1,155,407 94	\$41,291 35	\$1,114,116 59	\$345,955 62
Oswego.....	14,888 45	2,581 88	11,807 07	6,850 65
Cayuga and Seneca.....	1,462 57	1,213 25	249 32	815 40
Chemung.....	.....	.....	.....	518 27
Crooked Lake.....	.....	.....	.....	.....
Chenango.....	.....	.....	.....	.....
Black River.....	11,724 16	1,042 14	10,682 02	9,273 74
Genesee Valley.....	.....	188 90	*138 90	1,824 96
Oneida Lake.....	.....	.....	.....	1 96
Baldwinsville.....	.....	.....	.....	.....
Oneida River Improvement..	269 72	.....	269 72	146 85
Seneca River towing-path....	81 37	.....	81 37	39 48
Cayuga inlet.....	68 53	.....	68 53	98 25
Total.....	\$1,182,352 74	\$46,267 02	\$1,137,085 72	\$365,523 28

* Deficiency.

(No. 55.)

STATEMENT showing: 1. The amount of tolls (including rents from surplus waters) collected in each fiscal year, from 1826 to 1880. 2. Total sum paid to collectors, inspectors and weighmasters, and the expenses of their offices. 3. The percentage of the cost of collection on the gross amount of tolls collected. 4. The year in which the collection of tolls commenced on each lateral canal.

YEARS.	1. Tolls.	2. Cost of collection.	3. Per cent.	4. Names of canals.
1826	\$844,508 02	.....	.....	Cayuga and Seneca.
1827	881,184 09	\$27,666 61	3.06	
1828	831,002 10	31,093 20	3.73	Oswego.
1829	817,919 28	32,171 04	3.91	
1830	1,045,183 42	29,384 91	2.77	
1831	751,388 63	27,686 13	3.72	
1832	1,112,017 74	30,191 44	2.60	
1833	1,388,380 53	32,477 33	2.30	
1834	1,387,715 02	33,327 89	2.37	
1835	1,484,465 61	35,391 37	2.35	Chemung and Crooked Lake.
1836	1,598,455 48	35,375 32	2.19	
1837	1,325,009 77	41,476 69	3.09	Chenango.
1838	1,465,275 16	36,466 94	2.45	
1839	1,655,788 56	33,329 85	3.20	
1840	1,606,327 28	53,691 83	3.38	
1841	1,989,086 71	53,247 08	2.65	
1842	1,797,463 80	52,302 67	2.89	Genesee Valley and Oneida Lake.
1843	1,953,329 08	47,065 05	2.40	
1844	2,388,457 84	46,220 05	1.92	
1845	2,375,583 43	47,423 69	1.98	
1846	2,798,849 76	49,312 14	1.75	
1847	3,463,710 26	50,759 65	1.47	
1848	3,156,068 38	57,768 81	1.83	
1849	3,378,020 18	56,706 62	1.68	
1850	3,393,081 37	54,986 50	1.62	Black River.
1851	3,703,999 84	75,868 45	2.03	
1852	3,174,57 49	69,544 81	2.19	
1853	3,162,190 14	70,460 42	2.22	Baldwinsville.
1854	2,982,114 97	75,542 93	2.53	
1855	2,632,006 11	79,846 40	3.03	
1856	2,721,740 63	82,622 88	3.04	
1857	2,531,004 38	83,046 94	3.28	
1858	2,047,901 01	83,376 06	4.31	
1859	1,814,62 47	69,563 93	3.84	
1860	2,381,001 23	96,899 04	4.07	
1861	3,358,031 97	70,456 85	2.10	
1862	4,797,283 00	66,454 20	1.39	
1863	5,029,06 32	65,938 58	1.31	
1864	4,310,393 02	68,577 17	1.59	
1865	3,521,031 61	77,123 55	2.19	
1866	4,253,224 92	86,860 65	2.02	
1867	3,993,326 29	87,993 00	2.30	
1868	4,418,09 60	90,108 81	2.04	
1869	4,114,03 52	90,039 03	2.19	
1870	3,083,023 05	104,466 39	3.39	
1871	2,814,63 79	103,068 61	3.66	
1872	3,063,088 89	97,466 32	3.18	
1873	3,027,66 67	96,775 05	3.16	
1874	2,923,00 69	97,679 83	3.34	
1875	1,904,55 64	87,975 50	4.63	
1876	1,478,76 55	84,254 37	5.70	
1877	1,049,38 15	65,308 13	6.23	
1878	984,64 69	54,813 78	5.56	
1879	909,640 82	47,169 53	5.18	
1880	1,185,39 82	51,909 89	4.36	

(No. 56.)

STATEMENT showing: 1. The tolls (including rents from surplus waters) received in each fiscal year from 1836 to 1880. 2. The cost of repairs and collection of tolls. 3. The percentage which the cost of the maintenance of all the canals bears to the gross amount of tolls. 4. The aggregate tonnage of the total movement on all the canals, from 1836, when an account of tonnage was commenced, to 1879.

YEARS.	1 Tolls collected.	2 Expenses of collection and repairs.	3 Per cent of cost of mainte- nance on tolls.	4 Tonnage of all canals.
1826.....	\$844,508 02	\$531,675 73	62.96	.....
1827.....	881,184 99	494,701 05	56.18	.....
1828.....	831,062 10	393,517 99	47.41	.....
1829.....	817,919 23	357,587 52	43.76	.....
1830.....	1,045,163 42	292,673 76	28.03	.....
1831.....	751,263 62	224,419 83	29.82	.....
1832.....	1,112,917 74	428,964 78	38.54	.....
1833.....	1,398,380 53	487,797 32	35.15	.....
1834.....	1,387,715 02	534,897 82	38.54	.....
1835.....	1,484,593 61	510,524 76	34.41	.....
1836.....	1,508,455 48	467,599 33	29.22	1,310,307
1837.....	1,323,909 77	608,983 80	45.88	1,171,296
1838.....	1,465,275 16	622,027 29	42.42	1,323,011
1839.....	1,655,788 56	504,757 53	30.45	1,435,713
1840.....	1,606,827 28	575,020 58	35.80	1,416,046
1841.....	1,989,686 71	514,517 55	25.84	1,521,661
1842.....	1,797,463 80	642,584 30	35.72	1,236,581
1843.....	1,953,829 08	531,145 56	27.18	1,513,439
1844.....	2,398,457 34	636,857 72	26.63	1,816,586
1845.....	2,375,533 48	736,106 82	31.07	1,977,565
1846.....	2,798,849 76	639,353 01	22.83	2,268,662
1847.....	3,463,710 26	641,650 06	18.53	2,824,810
1848.....	3,156,968 38	855,860 64	27.11	2,790,230
1849.....	3,378,920 18	685,403 91	20.30	2,694,732
1850.....	3,393,081 37	835,965 81	24.64	3,076,617
1851.....	3,708,999 34	907,730 20	24.50	3,582,732
1852.....	3,174,857 49	1,049,045 92	33.04	3,763,441
1853.....	3,162,190 14	1,088,476 62	34.73	4,247,863
1854.....	2,982,114 97	1,237,866 20	41.51	4,165,863
1855.....	2,632,906 11	989,732 12	37.59	4,022,617
1856.....	2,721,740 63	786,633 40	28.90	4,116,082
1857.....	2,531,804 38	970,453 46	38.33	3,944,061
1858.....	2,047,291 01	1,078,878 91	52.69	3,665,192
1859.....	1,814,363 47	897,878 96	49.49	3,731,694
1860.....	2,381,301 28	746,976 78	31.33	4,650,214
1861.....	3,358,033 97	706,786 14	21.05	4,507,635
1862.....	4,797,283 09	773,998 32	16.12	5,568,785
1863.....	5,029,596 32	770,882 52	15.33	5,557,692
1864.....	4,310,293 02	1,028,909 46	23.87	4,832,941
1865.....	3,521,631 63	1,927,373 59	54.73	4,729,654
1866.....	4,253,224 92	1,434,989 73	33.74	5,775,220
1867.....	3,993,326 29	1,220,192 65	30.56	5,688,325
1868.....	4,418,309 50	1,184,245 04	26.80	6,442,225
1869.....	4,114,063 52	1,278,507 52	31.06	5,850,080
1870.....	3,083,023 05	+1,945,635 92	63.11	6,173,769
1871.....	2,814,953 79	22,250,145 63	79.94	6,467,888
1872.....	3,063,034 89	\$2,078,020 62	67.84	6,673,370
1873.....	3,027,568 67	1,459,165 24	48.19	6,864,752
1874.....	2,923,400 82	1,469,466 83	50.28	5,804,588
1875.....	1,904,855 64	a1,414,456 94	74.25	4,859,668
1876.....	1,478,276 55	b1,202,053 68	81.32	4,172,129
1877.....	1,049,228 15	1,050,329 68	100.10	4,955,963
1878.....	984,964 62	739,748 97	75.10	5,171,320
1879.....	909,640 33	751,774 52	82.64	5,362,372
1880.....	1,185,329 82	889,015 84	74.99	.....

The tonnage returns for 1880 are not all in, but may be seen in the report of "Tolls, Trade and Tonnage," yet to be made by the Auditor.

* Nine months.

† Not including \$591,528.37, advanced by the Albany deposit banks.

‡ Including \$591,528.37, advanced by the Albany deposit banks.

§ Including \$202,344.01, reserved from revenues of 1871, for payments to contractors for repairs, in pursuance of chapter 653, Laws of 1871.

a Not including \$52,850.01, reserved from revenues of 1875, for unexpended balance of appropriation for retraining upper and lower Mohawk aqueducts, and concreting the sixteen locks.

b Including \$52,850.01 reserved from the revenues of 1875, for retraining upper and lower Mohawk aqueducts, and concreting the sixteen locks.

(No. 57.)

STATEMENT showing the receipts from tolls and other sources, the miscellaneous expenses of collection and repairs, and surplus revenues, from 1836 to 1880, in each fiscal year.

YEARS.	Tolls and miscellaneous receipts.	Expenses of collection and repairs.	Surplus revenues in each year.
1836.....	\$1,598,455 48	\$467,599 33	\$1,130,856 15
1837.....	1,325,609 77	608,993 60	716,616 17
1838.....	1,465,275 16	622,037 29	843,237 87
1839.....	1,655,788 56	504,757 53	1,151,031 03
1840.....	1,606,827 28	575,020 58	1,031,806 70
1841.....	1,989,686 71	514,517 55	1,475,169 16
1842.....	1,797,463 80	642,584 80	1,154,879 00
1843.....	1,953,829 08	581,145 56	1,422,683 52
1844.....	2,888,457 34	698,957 72	1,751,599 62
1845.....	2,375,533 43	738,106 32	1,637,427 11
1846.....	2,842,214 13	639,353 01	2,202,861 12
1847.....	3,473,484 60	641,650 08	2,831,834 52
1848.....	3,204,070 16	855,850 64	2,348,219 52
1849.....	3,442,906 62	665,803 91	2,757,102 71
1850.....	3,486,172 30	835,965 81	2,650,206 49
1851.....	3,722,163 11	907,730 20	2,814,432 91
1852.....	3,179,145 78	1,049,045 62	2,130,099 86
1853.....	3,168,546 51	1,098,476 94	2,070,069 59
1854.....	2,988,065 21	1,287,986 20	1,750,799 01
1855.....	2,639,769 12	889,792 12	1,650,000 00
1856.....	2,749,133 40	788,633 40	1,960,500 00
1857.....	2,559,469 06	970,458 49	1,589,010 50
1858.....	2,072,204 88	1,078,878 91	993,325 97
1859.....	1,859,879 66	897,878 96	962,000 67
1860.....	2,416,588 86	746,976 78	1,669,611 61
1861.....	3,402,683 30	708,786 14	2,693,897 16
1862.....	4,854,989 67	773,968 32	4,081,021 35
1863.....	5,118,501 35	770,882 52	4,347,618 83
1864.....	4,346,265 52	1,023,909 46	3,317,356 06
1865.....	3,577,465 45	1,927,873 59	1,650,091 86
1866.....	4,309,746 13	1,434,989 73	2,874,756 89
1867.....	4,050,357 79	1,220,192 65	2,830,165 14
1868.....	4,477,546 17	1,184,245 04	3,293,301 13
1869.....	4,161,280 10	1,278,507 52	2,882,772 58
1870.....	3,107,138 90	*1,945,635 02	1,161,502 98
1871.....	2,842,549 94	†2,250,145 62	592,404 32
1872.....	3,078,247 96	‡2,078,020 62	1,000,227 34
1873.....	3,062,453 04	1,459,165 24	1,603,288 80
1874.....	2,947,973 91	1,469,466 83	1,478,506 08
1875.....	1,925,995 63	§1,487,315 95	458,679 68
1876.....	1,487,332 89	¶1,149,194 61	338,138 28
1877.....	1,053,361 01	1,050,329 68	3,031 33
1878.....	968,651 35	739,748 97	248,902 38
1879.....	921,252 81	751,774 82	169,477 99
1880.....	1,200,124 63	889,015 84	311,118 79
Total tolls.....	\$122,895,233 05	\$44,839,065 17	\$78,056,167 88
Total expenses.....	44,839,065 17		
Total surplus revenues.....	\$78,056,167 88		

* Not including \$501,528.57, advanced by the Albany deposit banks.

† Including \$501,528.57, advanced by the Albany deposit banks.

‡ Including \$202,844.01, reserved from the revenues of 1871 for payments to contractors for repairs, in pursuance of chapter 653, laws of 1871.

§ Including \$52,859.01, unexpended balance of appropriation for retrunking the upper and lower Mohawk aqueducts, and for concreting the sixteen locks.

¶ Not including \$52,859.01, paid out of the appropriation from revenues of previous year.

(No. 58.)

STATEMENT showing the progress of the Canal Debt, the amount paid for interest on loans and to the canal Commissioners and Superintendent of Public Works; also the surplus revenues in each fiscal year, from 1836 to 1880.

FISCAL YEAR.	PROGRESS OF THE CANAL DEBT.			PAID.		Surplus revenues in each fiscal year.
	Borrowed.	Redeemed.	Canal debt at close of each fiscal year.	Interest on loans.	Canal Commissioners and Supt. of Public Works on all the canals.	
1836.	\$650,000 00	\$351,249 46	\$6,325,806 73	\$225,744 86	\$377,330 82	\$1,130,856 15
1837.	810,980 22	971,644 93	6,186,663 08	309,108 88	1,206,663 63	716,616 17
1838.	851,023 15	851,023 15	9,705,120 41	446,798 88	1,640,070 19	843,247 87
1839.	1,045,000 00	87,300 33	10,785,880 08	494,817 34	3,635,470 09	1,151,031 03
1840.	8,478,553 57	137,726 22	14,126,617 76	655,321 58	5,005,515 75	1,031,806 79
1841.	2,213,497 57	38,770 85	16,306,374 43	801,693 81	3,647,214 53	1,476,169 16
1842.	8,411,618 00	143,600 08	19,574,892 45	1,006,497 81	2,560,116 81	1,154,879 50
1843.	1,009,700 00	184,768 27	20,862,324 28	1,093,474 98	2,736,230 84	1,452,653 52
1844.	605,000 00	333,418 60	20,713,906 58	1,116,726 53	712,449 53	1,751,599 03
1845.	245,000 00	1,393,884 81	19,690,080 77	1,104,319 98	883,717 68	1,657,427 11
1846.	300,000 00	2,941,780 64	17,028,240 13	976,533 48	182,867 30	2,302,861 15
1847.	1,314,819 34	284,490 54	16,748,749 57	987,205 64	864,767 36	2,681,854 19
1848.	1,899,024 76	1,344,919 00	16,713,649 91	911,736 05	1,613,962 71	2,343,219 53
1849.	192,295 49	2,097,362 00	16,505,345 67	896,599 05	2,132,370 53	2,630,205 49
1850.	1,000,000 00	488,736 74	16,215,144 53	895,873 74	1,444,708 71	2,814,432 91
1851.	1,000,000 00	573,609 91	16,641,534 61	885,064 66	1,331,254 63	2,070,069 86
1852.	700,000 00	840,265 45	17,001,269 16	940,730 23	1,082,005 84	2,070,069 86
1853.	2,250,000 00	479,025 00	18,724,244 16	924,231 51	1,158,024 74	1,750,739 01
1854.	2,750,000 00	2,240,911 00	20,361,333 16	1,076,673 17	2,088,707 23	1,650,000 00
1855.	6,750,000 00	4,499,266 34	22,549,086 82	1,194,308 98	2,941,241 23	1,962,500 00
1856.	2,700,000 00	1,102,385 00	22,189,781 82	1,361,736 98	3,941,696 58	1,589,015 97
1857.	2,200,000 00	2,690,737 34	24,490,014 48	1,405,120 89	1,942,663 43	982,000 67
1858.	3,000,000 00	1,163,170 00	27,407,844 48	1,358,822 38	3,963,189 49	1,889,611 91
1859.	3,000,000 00	1,107,520 00	27,107,321 48	1,072,745 73	4,394,573 82	2,085,849 16
1860.	1,200,000 00	2,176,581 23	26,131,770 25	1,500,394 64	1,184,753 07	2,461,643 36
1861.	.....	2,120,000 00	24,011,770 25	1,334,859 39	1,254,078 51	2,347,613 83
1862.	.....	738,000 00	22,476,470 25	1,321,946 73	845,823 23	2,317,806 00
1863.	.....	886,700 00	22,441,770 25	1,321,440 23	645,860 67	2,674,766 89
1864.	.....	2,844,374 76	16,697,396 49	1,176,289 39	1,019,611 60	2,650,091 86
1865.	.....	1,348,935 49	18,246,460 00	1,081,875 38	1,253,764 14	2,874,766 89
1866.	.....	2,515,400 00	16,738,080 00	1,081,875 38	1,615,611 00	2,830,166 14
1867.	.....	1,463,100 00	14,246,980 00	999,492 50	1,103,490 47	3,238,801 13
1868.	.....	.....	.....	.....	.....	.....

1866	.....	1,696,180 00	19,564,790 00	892,210 25	1,392,640 67	2,932,772 55
1870	.....	1,598,300 00	11,968,650 00	724,765 00	1,394,018 25	1,101,508 52
1871	.....	.....	11,968,650 00	705,621 00	1,393,579 98	1,568,404 24
1872	.....	8,122,800 00	11,968,650 00	672,022 50	1,393,579 98	1,000,257 50
1873	.....	8,150,800 00	11,968,650 00	610,314 50	2,436,974 00	1,698,259 08
1874	.....	8,127,050 00	10,320,450 00	627,819 00	2,416,950 00	1,478,608 68
1875	.....	8,143,770 00	10,084,900 00	604,060 89	1,386,953 87	1,458,679 68
1876	.....	479,000 00	10,081,900 00	603,960 00	701,118 67	838,188 23
1877	.....	181,800 00	9,900,100 00	608,896 99	214,493 64	8,061 33
1878	.....	880,000 00	9,080,100 00	549,646 11	236,231 97	948,902 38
1879	.....	383,000 00	8,698,100 00	640,833 00	370,097 84	169,477 99
1880	.....	.....	8,698,100 00	538,908 00	324,773 10	311,118 79
Deduct the debt in 1885	.....	.....	6,323,056 19	.....	.....	.....
Increase of debt, 1886 to 1890	.....	.....	\$2,660,803 81	.....	.....	.....
Paid interest, 1886 to 1890	.....	.....	.....	\$40,673,744 32	.....	.....
Paid Canal Commissioners and Superintendent of Public Works, 1886 to 1890	.....	.....	.....	.....	\$71,367,242 83	.....
Amount of surplus revenues, 1886 to 1890	.....	.....	.....	.....	.....	\$78,056,167 88

(No. 59.)

Names of Clerks employed by the Auditor of the Canal Department, the sums paid to each, and the length of time each was employed, from the 1st of October, 1879, to the 30th of September, 1880.

NAMES.	Annual salaries.	Time employed.	Paid on salaries.
William McGourkey, deputy	\$2,700 00	10 months	\$2,475 00
Edmund Savage, deputy	3,500 00	12 months	3,500 00
Eugene C. Johnson	1,800 00	12 months	1,800 00
George H. Birchall	1,800 00	12 months	1,800 00
Richard G. Milks	1,800 00	2 months	450 00
L. B. Babcock	1,850 00	4 months	562 50
George W. Slingerland	1,800 00	7½ months	702 18
Daniel Cooney	1,800 00	12 months	1,650 00
John S. Wolfe	1,000 00	9 months	838 80
Charles R. Allen	1,000 00	3 months	161 80
H. J. McDonald	1,200 00	9 months	800 00
C. D. Austin	1,200 00	3 months	100 00
			\$14,980 68

period.

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 365 83
 213 28
 507 08
 473 16

1025 57
 239 55
 432 02
 350 49
 993 89
 361 53
 697 16
 432 47
 950 03
 261 55
 361 21

expenditure period.

1899.	1880.
\$2,025 57	\$61,639 99
29,239 85	23,505 82
45,432 01	23,292 91
21,389 49	26,001 87
45,998 89	17,051 97
..... 861 53	16,932 24
12,697 18	13,903 89
16,432 47	19,485 49
16,980 08	28,656 67
,261 55	25,875 12
861 21	28,817 96
15.....	.....
2.....	.....
.....	
\$211,179 83	\$285,163 93
4,317 88	20,017 35
3,162 70	26,877 75
11,705 42	32,796 48
\$31,365 83	\$364,855 51
213 28	22,885 36
507 05	7,338 95
413 16	4,309 74



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1900

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(No. 61.)

STATEMENT showing the payments during the year ending September 30, 1880, to the Canal Appraisers and their clerks, for services, travel, postage, etc.

NAMES.	Services.	Travel.	Miscellaneous.	Total.
Vivus W. Smith.....	\$2,247 26	\$140 88	\$32 51	\$2,420 65
Charles G. Myers.....	2,247 26	143 76	90	2,581 92
Hezekiah Sturges.....	3,599 73	167 71	83 73	3,851 17
Wm. J. Morgan.....	2,782 74	320 43	53 53	3,156 70
Wm. L. Bostwick.....	2,782 74	254 73	..	3,037 47
Charles M. Dennison.....	1,400 27	73 62	3 00	1,476 89
Cornelius Glen, chief clerk of Board.....	1,630 45	..	..	1,630 45
D. J. Apgar, chief clerk of Board.....	1,899 55	..	..	1,899 55
George R. Myers.....	1,600 00	..	..	1,600 00
P. A. Hopkins.....	1,250 00	..	..	1,250 00
Robert Harris.....	1,888 33	..	..	1,888 33
	\$23,063 33	\$1,091 13	\$143 67	\$24,318 13

(No. 62.)

*STATEMENT of receipts and payments on account of the enlargement of the Erie canal, in each fiscal year, up to
30th September, 1880.*

YEARS.	RECEIVED.						Total.
	Loans.	Premium on loans.	Discount on loans.	Avails of loans.	Temporary loans.	Surplus tolls of Erie canal.	
1835.	.....	.....	.....	.....	.....	\$31,810 70	\$31,810 70
1836.	.....	.....	.....	.....	.....	53,218 83	53,218 83
1837.	.....	.....	.....	.....	.....	638,312 17	638,312 17
1838.	.....	.....	.....	.....	.....	174,934 90	1,179,744 90
1839.	\$1,000,000 00	\$5,050 00	.....	\$1,005,050 00	.....	803,178 82	2,817,934 17
1840.	3,000,000 00	.....	\$100,000 00	2,900,000 00	\$200,000 00	390,170 76	3,040 81
1841.	1,441,119 29	.....	125,519 29	1,315,600 00	1,200,000 00	528,293 12	2,478,911 63
1842.	1,838,082 82	.....	.....	1,838,082 82	.....	1,849,295 80	2,069,891 15
1843.	599,737 76	16,775 00	.....	582,962 76	.....	507,295 17	1,084,919 10
1844.	438,000 00	6,388 50	.....	431,611 50	.....	524,159 80	1,060,802 64
1845.	182,000 00	12,897 00	.....	169,103 00	.....	541,727 24	899,804 29
1846.	169,000 00	14,868 80	.....	203,868 80	.....	550,690 60	715,957 17
1847.	.....	.....	.....	.....	.....	188,679 62	1,110,578 40
1848.	.....	.....	.....	.....	.....	.....	2,143,732 01
1849.	.....	.....	.....	.....	.....	.....	2,061,868 80
1850.	.....	.....	.....	.....	.....	.....	1,136,013 56
1851.	.....	.....	.....	.....	.....	.....	966,191 96
1852.	.....	.....	.....	.....	.....	.....	1,884,434 48
1853.	.....	.....	.....	.....	.....	.....	1,286,146 76
1854.	.....	.....	.....	.....	.....	.....	3,006,780 76
1855.	.....	.....	.....	.....	.....	.....	2,414,431 76
1856.	.....	.....	.....	.....	.....	.....	6,999,186 68
1857.	.....	.....	.....	.....	.....	.....	2,476,804 68
1858.	800,000 00	1,825 00	.....	201,825 00	.....	281,773 89	4,813,218 45
1859.	.....	.....	.....	.....	.....	2,807,835 10	7,779 27
1860.	.....	.....	.....	.....	.....	646,189 60	494,342 14
1861.	.....	.....	.....	.....	.....	88,417 00	11,791 67
1862.	.....	.....	.....	.....	.....	617,985 27	13,411 20
1863.	.....	.....	.....	.....	.....	14,865 00	13,541 07

RECEIVED.

No. 62 — (Continued.)
ERIE CANAL ENLARGEMENT.

PAID.

YEARS.	Loans.	Temporary loans.	Interest on loans.	Interest on canal revenue certificates.	Canal Commissioners and Superintendent of Public Works.	Premium on purchase and investment of stock.	Miscellaneous.	Total.
1895	.....	.....	.....	.....	\$31,810 70	.....	.....	\$31,810 70
1896	.....	.....	.....	.....	63,218 83	.....	.....	63,218 83
1897	.....	.....	.....	.....	638,319 17	.....	.....	638,319 17
1898	.....	.....	\$16,872 93	.....	1,163,196 12	.....	\$175 85	1,173,744 90
1899	.....	.....	77,832 20	.....	2,234,539 93	.....	5,182 04	2,317,594 17
1900	.....	.....	231,190 72	.....	3,232,370 66	.....	19,360 25	3,476,911 63
1901	.....	\$200,000 00	375,473 36	.....	2,515,369 72	.....	6,068 07	3,096,891 15
1902	.....	1,200,000 00	459,985 09	.....	1,191,182 51	.....	8,377 46	3,186,516 00
1903	.....	.....	607,295 17	.....	1,530,901 54	.....	20,584 60	3,289,683 31
1904	.....	.....	594,159 82	.....	1,418,692 08	.....	37,224 90	3,700,676 78
1905	.....	.....	541,727 24	.....	1,351,370 43	.....	8,381 91	3,693,589 68
1906	.....	.....	550,920 50	.....	70,012 35	.....	48,666 81	3,763,198 83
1907	.....	.....	636,110 93	.....	62,351 30	.....	27,417 17	3,853,067 04
1908	1,337,940 37	.....	626,713 32	.....	694,573 08	\$6,529 25	.....	2,690,478 89
1909	651,124 69	.....	451,968 52	.....	1,000,323 97	.....	25,208 87	2,668,023 89
1910	74,948 00	.....	419,438 02	.....	1,865,665 00	.....	14,919 08	2,375,050 10
1911	600 00	.....	419,438 02	.....	977,708 68	.....	26,749 08	1,494,540 78
1912	.....	.....	419,438 02	.....	913,148 64	.....	30,257 31	1,884,484 48
1913	459,025 00	.....	419,438 02	.....	655,139 97	.....	28,561 76	1,139,139 75
1914	40,975 00	.....	411,988 02	.....	582,443 11	.....	24,558 85	1,568,014 95
1915	8,847,363 00	.....	389,438 02	.....	2,014,300 51	.....	27,826 19	2,562,059 72
1916	102,285 00	.....	389,438 02	.....	3,168,676 89	.....	93,035 30	3,737,453 21
1917	2,119,128 29	.....	189,438 02	.....	2,302,705 33	.....	81,416 44	2,525,964 79
1918	120,723 00	.....	164,169 04	.....	1,396,138 23	.....	455,944 89	4,105,370 00
1919	690,290 65	.....	88,212 10	.....	428,965 23	.....	108,890 42	1,555,760 75
1920	42,577 00	.....	68,869 04	.....	2,210,216 11	.....	47,760 04	2,907,185 84
1921	657,000 00	.....	40,940 00	.....	561,138 88	.....	29,164 50	3,768,119 88
1922	3,000 00	.....	30,865 27	.....	685,229 89	.....	79,971 15	1,383,719 88
1923	144,700 00	.....	11,395 00	.....	163,069 62	.....	75,157 17	232,611 79
1924	82,300 00	.....	8,505 00	.....	376,884 66	.....	82,075 70	612,175 83
1925	.....	.....	.....	.....	277,948 04	.....	29,304 04	389,452 98
1926	.....	.....	.....	.....	185,900 00	.....	27,605 08	315,204 08
1927	.....	.....	.....	.....	51,885 53	.....	6,632 60	58,458 13

1945	10,168,000	\$1,400,000	\$338,540 51	\$38,210,135 12	\$3,829 25	\$1,502,858 08	\$54,725,373 75
1946							
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(No. 63.)
*STATEMENT of receipts and payments on account of the Oswego canal, in each year, up to September 30, 1880,
 inclusive, viz.:*

YEARS.	RECEIVED.					
	Loans.	Premium on loans.	Erie and Champlain tolls.	Tolls.	Sales of land.	Rent of surplus water.
1829.	\$227,000 00				\$20,698 82	
1827.					2,124 19	
1828.	210,000 00	\$2,845 00		\$2,057 82	19,743 59	\$723 70
1829.				9 071 85	84,227 86	825 00
1830.				12,430 01	83,508 76	1,571 83
1831.				11,465 20	11,870 75	
1832.				16,010 66	47 58	\$3,932 67
1833.				22,965 26	221 81	
1834.				22,174 13	749 39	
1835.				28,237 08	456 42	
1836.				28,359 63	6,539 80	
1837.				24,556 97	8,894 00	
1838.				22,861 40	475 00	
1839.				32,563 80	4,380 00	
1840.				29,166 71		
1841.				34,630 08	131 00	
1842.				85,878 82		
1843.				31,914 21		
1844.				50,018 24		
1845.				53,881 17		
1846.				60,101 35		
1847.				70,889 01		
1848.				71,564 58		
1849.				86,139 66		
1850.				94,524 17		
1851.				104,266 58		
1852.	200,000 00	18,885 00		82,031 22		
1853.				88,839 97		
1854.				81,266 00		
1855.				64,861 18		
1856.				94,166 22		
1857.				105,141 20		
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1860	100,848 37	120,544 02	205,492 39
1861	181,458 38	116,820 06	462,568 44
1862	183,008 62	172,019 04	244,578 47
1863	148,278 75	81,722 06	365,028 86
1864	142,561 87	85,961 63	178,801 00
1865	138,008 86	95,961 17	378,544 98
1866	143,864 27	295,653 78	489,847 60
1867	164,362 77	6,061 79	161,073 76
1868	173,027 09	180,196 33	303,293 82
1869	166,593 02	84,063 20	191,255 22
1870	188,548 54	283,679 76	872,828 29
1871	109,899 44	113,856 83	223,756 27
1872	90,798 87	141,678 94	238,510 89
1873	88,428 13	89,201 17	177,639 80
1874	70,119 59	156,605 56	228,725 17
1875	45,057 69	14,413 84	59,471 08
1876	29,057 51	36,758 72	64,798 23
1877	30,096 00	15,820 45	35,918 45
1878	12,708 50	15,146 53	27,857 09
1879	9,877 11	.....	9,877 11
1880	14,888 45	.....	14,888 45
Total.....	\$637,000 00	\$3,628,388 34	\$8,707,230 67
Deficiencies paid by General Fund and Erie and Champlain canals.....			1,197,838 65
			\$9,905,069 88

* Nine months.

No. 63 — (Continued).
OSWEGO CANAL

YEARS.	DEFICIENCIES.		PAID.					Total.		
	Paid by the General Fund.	Paid by the Erie and Champlain canals.	Principal of loans.	Surplus to the Erie and Champlain canals.	Interest on loans.	Canal Commissioners and Superintendent of Public Works.	Superintendent of repairs.		Expenses of collectors and inspectors.	Miscellaneous.
1826	.....	.....	.....	.....	\$5,088 81	\$27,015 57	.....	.....	.....	\$242,000 38
1827	.....	.....	.....	.....	11,860 00	175,231 00	.....	.....	.....	186,571 00
1828	.....	.....	.....	.....	18,917 85	83,774 46	.....	.....	\$500 00	111,600 81
1829	.....	.....	.....	.....	21,850 00	43,319 99	.....	.....	400 04	79,660 87
1830	.....	.....	.....	.....	21,850 00	3,310 00	.....	.....	264 54	40,284 30
1831	\$16,082 18	.....	\$9,653 00	.....	16,146 18	.....	.....	.....	6,057 55	42,553 98
1832	13,633 53	.....	.....	.....	21,857 85	.....	.....	.....	1,557 25	37,637 69
1833	17,982 61	.....	.....	.....	21,857 85	.....	.....	.....	1,556 77	34,619 11
1834	13,738 83	.....	.....	.....	21,857 85	.....	.....	.....	2,015 59	35,888 35
1835	19,640 83	.....	.....	.....	21,857 85	.....	.....	.....	2,008 51	36,075 75
1836	9,038 24	.....	.....	.....	21,857 85	.....	.....	.....	2,044 97	30,319 73
1837	43,942 97	.....	6,043 00	.....	21,857 85	.....	.....	.....	2,147 44	78,269 16
1838	44,887 31	.....	.....	.....	21,857 85	.....	.....	.....	2,616 81	48,774 42
1839	54,460 70	.....	.....	.....	21,857 85	.....	.....	.....	2,003 13	60,302 04
1840	11,497 62	.....	.....	.....	21,857 85	.....	.....	.....	8,086 62	54,263 41
1841	30,760 83	.....	.....	.....	21,857 85	.....	.....	.....	2,988 44	54,263 41
1842	.....	.....	.....	.....	21,857 85	.....	.....	.....	2,992 96	54,263 41
1843	.....	.....	.....	.....	21,857 85	.....	.....	.....	3,135 64	54,263 41
1844	.....	.....	.....	.....	21,857 85	.....	.....	.....	3,768 86	54,263 41
1845	.....	.....	.....	.....	21,857 85	.....	.....	.....	2,774 31	54,263 41
1846	.....	.....	.....	.....	21,857 85	.....	.....	.....	8,123 21	54,263 41
1847	.....	.....	.....	.....	21,857 85	.....	.....	.....	8,263 75	54,263 41
1848	.....	.....	.....	.....	21,857 85	.....	.....	.....	29 30	54,263 41
1849	.....	.....	.....	.....	21,857 85	.....	.....	.....	80 45	54,263 41
1850	.....	.....	.....	.....	21,857 85	.....	.....	.....	13 00	54,263 41
1851	.....	.....	.....	.....	21,857 85	.....	.....	.....	.....	54,263 41
1852	.....	.....	.....	.....	21,857 85	.....	.....	.....	.....	54,263 41
1853	.....	.....	.....	.....	21,857 85	.....	.....	.....	.....	54,263 41
1854	.....	.....	.....	.....	21,857 85	.....	.....	.....	.....	54,263 41
1855	.....	.....	.....	.....	21,857 85	.....	.....	.....	.....	54,263 41
1856	.....	.....	.....	.....	21,857 85	.....	.....	.....	.....	54,263 41

1867	30,307 07	15,641 06	12,000 00	214,931 60	28,267 97	6,231 47	96,196 44	596,251 43
1868	19,066 11	7,139 60	12,000 00	181,063 67	97,050 51	6,093 06	48,640 48	340,445 24
1869	10,174 96	60,547 16	12,000 00	181,063 67	4,824 62	7,114 97	19,066 11	249,000 15
1870	39,009 30	98,040 63	12,000 00	140,231 98	8,770 53	5,666 26	33,132 76	223,953 80
1871	108,786 07	86,539 41	12,000 00	180,940 61	10,535 49	5,090 09	33,132 76	270,991 80
1872	194,017 75	98,009 83	12,000 00	68,703 68	1,899 18	5,090 09	43,122 91	223,884 30
1873	19,066 11	108,786 07	12,000 00	186,205 99	6,781 16	5,945 10	31,154 41	194,870 06
1874	10,174 96	39,009 30	9,180 00	176,206 74	209,759 45	6,695 61	36,893 51	401,614 40
1875	39,009 30	69,631 06	12,000 00	116,998 54	9,856 19	7,199 76	44,527 53	446,190 22
1876	69,631 06	88,035 87	12,000 00	107,408 06	6,230 03	7,273 17	40,746 99	171,248 72
1877	88,035 87	76,003 31	12,000 00	107,408 06	1,235 00	7,245 75	90,969 09	306,223 23
1878	76,003 31	39,009 30	12,000 00	231,594 45	1,867 84	8,759 83	41,708 18	373,823 29
1879	39,009 30	69,631 06	12,000 00	121,035 80	4,230 98	8,114 07	53,447 42	191,251 23
1880	69,631 06	88,035 87	12,000 00	208,450 48	24,704 94	7,906 84	72,404 50	323,766 27
1881	88,035 87	76,003 31	12,000 00	107,237 33	40,268 33	7,631 80	27,623 19	318,483 76
1882	76,003 31	39,009 30	12,000 00	152,490 32	104,196 77	7,713 30	6,745 03	199,800 15
1883	39,009 30	69,631 06	12,000 00	15,653 26	94,224 04	7,494 26	1,461 40	213,243 04
1884	69,631 06	88,035 87	12,000 00	38,267 13	43,645 06	6,897 36	6,168 79	191,941 04
1885	88,035 87	76,003 31	12,000 00	18,459 84	51,200 31	4,891 58	1,826 57	40,564 20
1886	76,003 31	39,009 30	12,000 00	13,459 84	24,758 31	8,574 02	1,826 57	49,514 54
1887	39,009 30	69,631 06	12,000 00	8,378 71	19,313 23	2,538 46	5,827 31	29,113 55
1888	69,631 06	88,035 87	12,000 00	12,410 20	22,535 36	2,531 33	.....	31,571 00
1889	88,035 87	76,003 31	12,000 00	.....	.....	.....	.....	.....
1890	76,003 31	39,009 30	12,000 00	.....	.....	.....	.....	.....
Total	\$229,859 51	\$784,611 45	\$580,575 51	\$4,764,933 89	\$1,914,331 55	\$240,904 38	\$979,203 10	\$3,900,664 41
Balance on hand 30th September, 1890	.....	.....	.....	.....	.....	.....	.....	4,399 91
								\$3,905,064 32

* Nine months.

(No. 64.)
STATEMENT of the receipts and payments on account of the Cayuga and Seneca canal, in each year, up to September 30, 1880, inclusive, viz.:

YEARS.	Loans.	Premiums on loans.	RECEIVED.					DEFICIENCIES.		
			Avails of loans.	From other funds to redeem stock.	From sinking fund to pay interest.	Tolls.	Miscellaneous.	Total.	Paid by the General Fund.	Paid by Erie and Champlain canals.
1896	\$150,000 00	\$9,000 00	\$150,000 00			\$2,830 75			\$161,830 75	
1897						155 19			155 19	
1898						8,370 24			95,370 24	
1899						13,087 51			13,087 51	\$23,006 11
1900	87,000 00		87,000 00			8,869 48			8,869 48	7,787 91
1901						12,375 77			12,375 77	5,284 93
1902						15,501 50			15,501 50	5,284 44
1903						18,053 14			18,053 14	3,761 76
1904						20,162 61			20,162 61	3,362 51
1905						19,914 53		\$47 50	19,962 03	19,663 70
1906						16,648 77			16,648 77	27,177 82
1907						17,488 82			17,488 82	15,517 68
1908						19,354 67			19,354 67	17,890 68
1909						17,786 29			17,787 29	18,250 96
1910						22,445 46			22,445 46	
1911						17,962 67			17,962 67	
1912						17,988 40			17,988 40	
1913						23,054 19			23,054 19	
1914						28,881 48			28,881 48	
1915						29,365 23			29,365 23	
1916			\$143,470 05		\$4,350 00	26,008 78			31,258 78	
1917					4,350 00	28,470 86			32,820 86	
1918					3,262 50	27,735 44			102,889 94	
1919			71,886 00			27,559 50			61,031 77	87,508 70
1920			15,114 00			26,258 40			33,290 88	36,268 09
1921						22,524 38			22,524 38	
1922						25,169 84		18,328 18	46,719 84	8,499 33
1923						24,868 90		7,038 45	125,361 90	2,661 01
1924						27,915 81			123,915 81	
1925						20,919 78			152,048 24	
1926						19,457 85			196,085 09	
1927						14,400 67			205,040 04	
1928										19,688 16

	\$387,000 00	\$0,000 00	\$246,000 00	\$230,470 05	\$11,992 50	\$1,051,955 08	\$1,586,240 29	\$3,125,627 92	\$140,497 44	\$239,504 00
Total.....										
Deficiencies paid by General Fund and Erie and Champlain canals.....								446,001 44		\$3,572,629 36

*** Nine months.**

No. 64 — (Continued.)
CAYUGA AND SENECA CANAL.

PAID.

YEARS.	Principal of loans.	Interest on loans.	Surplus tolls to Erie and Champlain canals.	Canal Commis- sioners and Superintend- ent of Public Works.	Seneca Lock and Navigation Company.	Superintend- ents of re- pairs.	Collectors.	Miscella- neous.	Total.
1896		\$3,878 28	.....	\$8,094 47	\$34,095 83	.....	\$255 83	.....	\$46,319 41
1897		7,500 00	.....	45,392 70	19,776 06	.....	.....	\$145 25	72,713 98
1898		7,500 00	.....	90,918 54	.....	.....	.....	8,481 87	106,100 41
1899		9,836 55	.....	20,733 50	.....	.....	.....	2,831 00	41,109 59
1900		11,850 00	.....	6,886 56	.....	.....	.....	.....	35,396 01
1901		8,397 50	.....	100 00	.....	.....	.....	3,905 80	16,516 69
1902		11,850 00	.....	.....	8,356 71	.....	.....	.....	17,082 02
1903		11,850 00	.....	90 00	.....	.....	.....	.....	21,996 63
1904		11,850 00	.....	.....	10,276 83	.....	.....	.....	21,514 90
1905		11,850 00	.....	.....	26,301 73	.....	.....	.....	23,543 12
1906		11,850 00	.....	.....	30,471 66	.....	.....	6 83	28,634 73
1907		11,850 00	.....	.....	19,868 69	.....	.....	50 00	48,886 59
1908		11,850 00	.....	.....	23,694 98	.....	.....	45 00	38,006 44
1909		11,850 00	.....	.....	22,666 16	.....	.....	91 75	37,245 86
1910		11,850 00	.....	.....	16,330 33	.....	.....	88 96	36,047 25
1911		11,850 00	.....	2,065 41	14,708 76	.....	.....	.....	31,745 80
1912		11,850 00	.....	10,819 24	10,968 46	.....	.....	.....	38,902 09
1913		11,850 00	.....	.....	14,127 33	.....	.....	.....	24,257 64
1914		11,850 00	.....	4 52	13,853 89	.....	.....	.....	27,319 30
1915		11,850 00	.....	.....	12,947 83	.....	.....	.....	27,297 24
1916		9,975 00	.....	.....	12,947 83	.....	.....	56 90	174,499 62
1917	\$180,000 00	4,350 00	\$10,377 25	756 40	14,099 37	.....	.....	149 25	31,298 73
1918		4,350 00	13,543 22	.....	13,048 47	.....	.....	488 30	32,630 93
1919	71,896 00	.....	.....	51,333 60	11,923 64	.....	.....	101 90	140,396 64
1920	15,114 00	.....	.....	70,319 79	10,780 33	.....	.....	.....	97,239 96
1921		8,398 50	.....	7,038 48	30,994 51	.....	.....	.....	33,296 98
1922			8,737 56	2,096 00	27,387 90	.....	.....	.....	31,023 71
1923				14,223 35	14,502 03	.....	.....	.....	30,270 85
1924			6,070 89	64,746 84	16,894 53	.....	.....	15 15	89,055 74
1925			11,187 33	117,821 09	10,557 72	.....	.....	.....	141,796 90
1926			8,278 65	168,707 79	10,052 85	.....	.....	.....	190,238 31
1927			3,794 23	136,569 83	13,658 50	.....	.....	.....	186,042 44
1928				124,307 79	30,872 03	.....	.....	.....	225,233 20

1859	5,976 51	86,640 28	5,978 53	2,307 40	30,473 45	85,255 19
1860	11,560 04	125,550 75	131 24	2,664 40	3,722 16	133,637 53
1861	8,300 05	84,306 81	17,010 38	2,307 81	2,619 13	105,245 07
1862	7,403 15	66,564 74	14,799 93	1,784 90	11,022 75	154,522 33
1863	11,138 83	44,253 70	8,159 93	1,573 21	12,330 46	66,750 01
1864	17,639 27	39,039 63	4,069 54	1,584 39	13,538 95	90,161 82
1865	8,310 53	64,324 02	4,373 03	1,531 04	81,004 78	97,853 77
1866	9,130 83	25,735 08	2,097 49	1,725 67	17,704 09	63,923 40
1867	13,717 03	4,331 89	383 81	1,769 99	18,533 14	33,938 26
1868	11,496 29	13,600 13	1,331 63	1,773 81	31,073 43	45,470 35
1869	31,835 88	11,496 29	10,866 84	1,769 00	20,142 92	141,162 81
1870	29,653 16	31,835 88	39,374 27	2,313 29	16,560 71	73,570 47
1871	14,165 70	29,653 16	32,584 43	2,325 76	316 93	64,568 23
1872	88,973 19	14,165 70	17,623 53	2,236 43	19 89	84,064 54
1873	89,067 02	88,973 19	23,530 76	2,321 23	787 39	73,601 60
1874	4,491 70	89,067 02	23,673 19	2,327 91	1,209 81	66,181 43
1875	2,698 93	4,491 70	19,422 17	2,117 59	.....	36,071 46
1876	25,189 84	2,698 93	14,917 53	1,631 46	.....	19,807 97
1877	8,813 25	25,189 84	10,418 84	1,324 70	2,500 08	39,533 41
1878	.....	8,813 25	6,507 05	1,183 81	.....	11,508 11
1879	.....	.....	7,328 95	1,313 23	.....	11,753 45
1880	.....	.....	.....	.....	.....	.....
Total	\$237,000 00	\$237,404 83	\$33,571 86	\$86,517 59	\$316,838 34	\$3,572,639 36

* Nine months.

(No. 65.)

STATEMENT of receipts and payments on account of the Chemung canal, in each year, up to September 30, 1880, inclusive, viz.:

YEARS.	Loans.	Premiums on loans.	Discount on loans.	RECEIVED.						Total.
				Avails of loans.	Temporary loans.	From sinking fund.	Interest on deposits.	Tolls.	Miscellaneous.	
1880	\$150,000 00	\$15,664 00		\$165,664 00						\$165,664 00
1881*	140,263 00	21,179 71		161,443 71					\$2,818 66	164,261 37
1882									1,067 66	1,067 66
1883									2,073 98	2,073 98
1884	26,737 00	4,506 55		30,243 55				\$3,896 89		34,139 39
1885								4,153 07	27 40	4,180 47
1886								5,078 87	275 00	5,353 87
1887								4,349 99	22 89	4,368 68
1888								4,478 01		4,478 01
1889								4,767 62		4,767 62
1890								5,011 50		5,011 50
1891	114,232 23		\$14,232 23	100,000 00			\$526 39	7,156 18		107,684 57
1892	172,880 24			172,880 24	\$20,000 00			7,206 23		200,086 53
1893	53,478 11			53,478 11				9,188 51		62,666 63
1894	7,000 00			7,000 00				12,950 92		19,950 92
1895								20,381 70		20,381 70
1896								15,863 99		15,863 99
1897						\$35,934 59		13,677 23		49,611 87
1898						35,934 59		16,821 53		52,756 17
1899						172,647 73		16,048 96	7,120 88	195,817 57
1900						236,105 18		16,276 54	14,194 20	339,575 93
1901						53,086 82		15,998 04	2,630 00	71,673 25
1902						11,177 76		15,680 31		26,861 07
1903						10,394 21		20,810 23		31,204 44
1904						10,394 21		19,635 35		30,030 56
1905						10,394 21		19,771 91	6,971 63	37,137 75
1906						10,394 21		17,111 13	1,744 11	39,245 45
1907						10,394 21		17,101 71		37,496 93
1908						10,394 21		13,347 63		23,743 84
1909						62,070 15		10,868 43	008 27	72,949 14
1910						135,633 11		13,673 46	35 72	150,342 30
1911								15,319 04		150,362 34

	\$463,600 58	\$41,880 26	\$14,262 23	\$680,688 61	\$20,000 00	\$882,968 23	\$526 39	\$585,425 97	\$654,601 18
Total									
Deficiencies paid by General Fund and Erie and Champlain canals									
1862	38,504 71	2,452 48							\$2,774,204 88
1863	36,244 71	15,887 68							
1864	48,454 05	31,678 14							1,980,918 15
1865	104,530 95	86,367 91							\$4,735,122 53
1866	105,744 05	91,230 91							
1867	38,063 09	25,689 11							
1868	49,176 23	39,061 95							
1869	92,805 86	88,323 44							
1870	100,685 86	94,488 07							
1871	99,670 96	35,580 15							
1872	36,589 11	82,810 06							
1873	9,580 21	6,915 77							
1874	16,143 81	2,914 44							
1875	10,061 05	1,717 33							
1876	8,211 64	2,104 84							
1877	34,923 67	3,211 64							
1878	37,061 29	2,678 55							
1879	4,559 71	743 01							
1880	124 32								

*** Nine months.**

No. 65—(Continued).
CHEMUNG CANAL.

YEARS.	DEFICIENCIES.		PAID.					Total.
	Paid by the General Fund.	Paid by the Erie and Champlain canals.	Principal of loans.	Temporary loans.	Interest on loans.	Canal Commissioners and Superintendent of Public Works.	Superintendents of repairs.	
1830.....					\$3,195 00	\$90,190 00	.....	\$72,315 00
1831.....					7,378 20	148,231 57	.....	155,671 94
1832.....					14,513 16	76,410 47	.....	89,999 68
1833.....					14,891 20	47,793 89	.....	89,533 90
1834.....					15,900 04	2,238 91	.....	42,731 94
1835.....					15,900 04	.....	.....	29,681 76
1836.....					15,900 00	.....	.....	28,643 07
1837.....					15,900 00	.....	.....	28,643 07
1838.....					15,900 00	.....	.....	28,643 07
1839.....					15,900 00	.....	.....	28,643 07
1840.....					15,900 00	.....	.....	28,643 07
1841.....					15,900 00	.....	.....	28,643 07
1842.....					15,900 00	.....	.....	28,643 07
1843.....					15,900 00	.....	.....	28,643 07
1844.....					15,900 00	.....	.....	28,643 07
1845.....					15,900 00	.....	.....	28,643 07
1846.....					15,900 00	.....	.....	28,643 07
1847.....					15,900 00	.....	.....	28,643 07
1848.....					15,900 00	.....	.....	28,643 07
1849.....					15,900 00	.....	.....	28,643 07
1850.....					15,900 00	.....	.....	28,643 07
1851.....					15,900 00	.....	.....	28,643 07
1852.....					15,900 00	.....	.....	28,643 07
1853.....					15,900 00	.....	.....	28,643 07
1854.....					15,900 00	.....	.....	28,643 07
1855.....					15,900 00	.....	.....	28,643 07
1856.....					15,900 00	.....	.....	28,643 07
1857.....					15,900 00	.....	.....	28,643 07
1858.....					15,900 00	.....	.....	28,643 07
1859.....					15,900 00	.....	.....	28,643 07
1860.....					15,900 00	.....	.....	28,643 07
1861.....					15,900 00	.....	.....	28,643 07

1862.....	2,130 63	746 40	.....	2,873 83	5,180 78
1863.....	3,387 62	686 86	.....	8,943 50	861,481 09
1864.....	6,171 94	230 00	.....	0,423 50	80,704 20
1865.....	4,886 00	634 98	.....	6,789 98	7,886 16
1866.....	.....	673 83	.....	.....	7,684 99
1867.....	21,591 97	339 81	.....	82,078 93	7,680 98
1868.....	43,487 86	339 81	.....	43,046 83	6,123 83
1869.....	4,800 00	401 47	.....	1,103 54	5,108 89
1870.....	.....	371 47	.....	6,101 84	78,623 07
1871.....	.....	370 34	.....	8,270 24	12,486 01
1872.....	.....	228 61	.....	8,963 68	7,086 97
1873.....	.....	248 53	.....	248 63	13,519 94
1874.....	.....	128 09	.....	137 70	7,683 86
1875.....	.....	30 43	.....	30 43	1,668 41
1876.....	.....	.....	.....	86 00	.....
1877.....	.....	.....	.....	100 00	.....
1878.....	.....	.....	.....	100 00	.....
1879.....	.....	.....	.....	2,070 00	.....
1880.....	.....	.....	.....	.....	616 36
Total.....	\$120,000 00	\$30,402 26	\$143,000 01	\$435,008 15	\$560,078 07
Deficiencies paid by General Fund and Erie and Champlain canals.....				619,883 86	
				\$1,054,902 00	

*Nine months.

No. 66 — (Continued).

CROOKED LAKE CANAL.

80

[ASSEMBLY

YEARS.	PAID.					
	Principal of loans.	Interest on loans.	Canal Commissioners and Superintendents of Public Works.	Superintendents of repairs.	Collectors.	Miscellaneous.
1881*		\$1,337 67	\$11,350 00			\$12,887 67
1882		5,000 00	62,906 46			67,906 46
1883		5,250 00	52,461 80			57,711 80
1884		6,000 00	13,288 82			21,288 82
1885		6,000 00	1 70	\$2,437 67		8,438 37
1886		6,000 00	255 90	5,063 66		11,319 56
1887		6,000 00	402 81	5,748 71		12,151 52
1888		6,000 00		5,040 07		11,040 07
1889		6,000 00		2,778 81		8,778 81
1890		6,000 00		4,458 27		10,458 27
1891		6,000 00	2 00	9,468 07		15,468 07
1892		6,000 00		8,016 56		14,016 56
1893		6,000 00		3,674 16		9,674 16
1894		6,000 00		2,843 84		8,843 84
1895		6,000 00	9 00	5,844 67		11,853 67
1896		6,000 00	29,888 42	6,865 89		36,754 31
1897		6,000 00	43,680 76	6,068 88		49,749 64
1898		6,000 00	57,463 78	10,206 40		67,670 18
1899		6,000 00	2,168 61	4,983 73		7,152 34
1900		5,000 01	10,181 25	6,118 94		16,299 20
1901	\$120,000 00		6,429 28	7,976 12		14,405 40
1902			1,760 92	5,850 00		7,610 92
1903			1,719 65	5,123 06		6,842 71
1904			2,565 20	5,320 38		7,885 58
1905			7,780 00	694 16		8,474 16
1906			7,840 70	190 98		8,031 68
1907			184 20			184 20
1908			147 78			147 78
1909			467 94			467 94
1910			573 10	125 00		698 10
1911			294 90	2,468 94		2,763 84
1912			5,806 06			5,806 06
1913						
1914						
1915						
1916						
1917						
1918						
1919						
1920						
1921						
1922						
1923						
1924						
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1864	18,445 88	273 00	270 37	23,851 40	27,890 58
1865	6,439 68	273 00	687 03	38,200 84	40,200 70
1866	4,997 80	406 14	687 03	7,185 84	13,144 27
1867	22,873 68	.....	680 98	6,990 00	6,297 08
1868	43,008 10	.....	562 79	7,316 00	80,182 61
1869	.....	988 23	669 26	6,864 94	61,299 08
1870	.....	.....	741 29	7,130 53	8,431 88
1871	6,729 83	63,631 23	678 98	8,298 96	78,693 84
1872	868 53	8,328 09	670 66	8,847 92	13,705 25
1873	.....	.....	673 48	6,003 10	11,000 89
1874	.....	7,829 74	678 27	4,292 46	12,768 47
1875	243 00	7,113 80	313 38	.....	7,710 15
1876	.....	1,568 89	.....	.....	1,568 89
1877	.....	.....	.....	788 00	38 00
1878	716 38	.....	.....	.....	716 38
1879	.....	.....	.....	2,070 00	2,070 00
1880	.....	.....	.....	.....	.....
Total....	\$120,000 00	\$112,787 68	\$29,688 05	\$108,274 30	\$1,054,902 00

* Nine months.

† Surplus to Erie and Champlain canals.

(No. 67.)

STATEMENT of receipts and payments on account of the Chenango canal in each year, up to September 30, 1880, inclusive, viz.:

YEARS.	RECEIVED.					Total.			
	Loans.	Premiums on loans.	Discount on loans.	Avails of loans.	Erie and Champlain tolls to redeem stock.		From Sinking Fund.	Tolls.	Miscellaneous.
1883.	\$50,000 00	\$7,755 00	.....	\$57,755 00	.....	.....	.....	\$8,438 69	\$57,755 00
1884.	950,000 00	66,255 00	.....	1,016,255 00	.....	.....	.....	49,229 42	1,016,693 69
1885.	.....	.....	.....	.....	.....	.....	.....	40,229 42	49,229 42
1886.	630,000 00	13,000 00	.....	643,000 00	.....	.....	.....	8,075 33	646,075 33
1887.	620,000 00	5,979 67	.....	625,979 67	.....	.....	.....	90 23	630,151 53
1888.	22,535 66	.....	.....	22,535 66	.....	.....	.....	125 00	109,411 78
1889.	20,000 00	500 00	.....	20,500 00	.....	.....	.....	.....	38,550 33
1890.	20,000 00	.....	\$975 00	19,025 00	.....	.....	.....	.....	33,103 32
1891.	.....	.....	.....	.....	.....	.....	.....	114 00	16,883 02
1892.	6,102 34	.....	.....	6,102 34	.....	.....	.....	.....	21,422 91
1893.	8,362 00	.....	.....	8,362 00	.....	.....	.....	.....	23,030 94
1894.	3,000 00	.....	.....	3,000 00	.....	.....	.....	.....	23,983 05
1895.	.....	.....	.....	.....	.....	.....	.....	.....	23,980 66
1896.	.....	.....	.....	.....	.....	.....	.....	.....	23,980 66
1897.	.....	.....	.....	.....	.....	.....	.....	.....	23,983 89
1898.	.....	.....	.....	.....	.....	.....	.....	.....	37,983 10
1899.	.....	.....	.....	.....	.....	.....	.....	6,501 56	40,880 86
1900.	.....	.....	.....	.....	.....	.....	.....	8,527 45	30,997 93
1901.	.....	.....	.....	.....	.....	.....	.....	7,901 91	33,057 33
1902.	.....	.....	.....	.....	.....	.....	.....	973 55	38,573 53
1903.	.....	.....	.....	.....	.....	.....	.....	30 24	19,739 41
1904.	.....	.....	.....	.....	.....	.....	.....	.....	40,327 97
1905.	.....	.....	.....	.....	.....	.....	.....	3,097 35	24,021 16
1906.	.....	.....	.....	.....	.....	.....	.....	204 66	19,491 10
1907.	.....	.....	.....	.....	.....	.....	.....	.....	26,631 19
1908.	.....	.....	.....	.....	.....	.....	.....	127 43	16,064 79
1909.	.....	.....	.....	.....	.....	.....	.....	1,799 03	20,253 46
1910.	.....	.....	.....	.....	.....	.....	.....	11,472 00	43,574 66
1911.	.....	.....	.....	.....	.....	.....	.....	41 46	23,568 70
1912.	.....	.....	.....	.....	.....	.....	.....	.....	26,255 94
1913.	.....	.....	.....	.....	.....	.....	.....	6,774 68	30,149 58
1914.	.....	.....	.....	.....	.....	.....	.....	.....	30,809 11
1915.	.....	.....	.....	.....	.....	.....	.....	15,880 45	37,561 43

No. 67 — (Continued).
CHENANGO CANAL.

YEARS.	DEFICIENCIES.		PAID.						Total.	
	Paid by the General Fund.	Paid by the Erie and Champlain canals.	Principal of loans.	Interest on loans.	Surplus tolls to Erie and Champlain canals.	Canal Commissioners and Superintendent of Public Works.	Superintendents of repairs.	Expenses of collectors and inspectors.		Miscellaneous.
1833.				\$1,042 81		\$9,322 05			\$57 33	\$10,322 79
1834.				25,619 86		211,013 44				236,633 30
1835.				50,000 00		651,732 45			67 36	701,849 81
1836.				65,667 81		911,035 10			228 90	976,901 81
1837.	\$102,749 16			88,327 39		480,807 02			315 81	588,013 84
1838.	136,042 97			133,445 06		65,759 17	\$18,663 63	\$1,074 85	35 48	250,589 11
1839.	118,994 25			118,439 80		47,458 98 1/2	20,270 95	1,576 00	993 60	185,256 02 1/2
1840.	121,774 37			120,328 76		12,232 90	14,775 24	1,569 66	4,417 36 1/2	152,561 06 1/2
1841.		\$122,003 21		120,399 76		5,075 33	16,638 05	1,881 42	563 88	144,809 58
1842.		125,406 50		120,450 79		668 05	18,467 28	1,821 86	6,291 85	152,106 25
1843.		133,618 04		120,974 23		3,942 72	15,917 26	1,365 40	2,624 08	141,579 11
1844.		117,246 44		121,295 96		153 95	15,700 51	1,233 02	1,346 59	143,518 80
1845.		116,938 47		121,374 89		152 47	18,383 33	1,196 91		141,011 08
1846.		23,799 40	\$2,336 310 66	33,219 03		132 47	17,827 13	1,332 00	730 96	2,389,572 27
1847.			22,195 00	3,278 88	\$3,933 97	2,704 28	18,404 54	1,296 00	849 77	52,635 44
1848.			3,430 00	3,278 88	6,897 85	119 06	20,471 02	1,418 49	7,294 72	41,890 02
1849.			6,702 34	3,172 09		817 88	27,772 21	1,443 12	2,785 57	42,692 21
1850.				2,351 72		5,031 91	25,071 13	1,237 68	2,823 45	37,034 88
1851.				1,651 72		1,064 75	31,110 28	1,438 08	80 67	38,033 54
1852.			20,000 00	1,651 72		6,112 00	34,706 26	1,389 94		63,809 82
1853.				901 72			37,752 37	1,401 79	98 35	40,933 23
1854.			20,000 00	651 72		3,065 35	49,476 20	1,403 37		71,781 29
1855.				651 72		1,589 35	44,250 04	1,557 00		46,554 11
1856.				651 72		1,589 35	10,201 24	1,723 86	12,234 30	25,500 47
1857.				651 72		160 00	2,276 18	1,923 39	25,806 50	38,817 79
1858.				651 72		616 21	23,785 09	1,861 10	21,081 75	48,065 87
1859.				651 72		1,933 72	9,450 19	1,383 63	22,910 53	30,399 85
1860.			8,382 00	598 29		1,537 84	1,463 85	1,761 57	25,175 90	49,477 56
1861.				150 00		39,097 72	1,463 85	1,744 35	21,431 65	63,634 70
1862.				100 00		12,571 91	1,215 96	1,890 74	23,065 56	46,820 19
1863.			3,000 00			9,357 43	1,030 78	1,604 36	31,741 24	44,623 81
1864.						38,410 12	3,210 97	\$, 107 10	38,143 12	81,871 81

No. 68 — (Continued.)

BLACK RIVER CANAL.

YEARS.	DEFICIENCIES.		PAID.						Total.	
	Paid by the General Fund.	Paid by the Erie and Champlain canals.	Principal of the loans.	Temporary loans.	Interest on the loans.	Canal Commissioners and Superintendent of Public Works.	Superintendents.	Collectors.		Miscellaneous.
1887					\$2,280 44	\$5,255 55				\$7,484 99
1888					20,268 97	97,735 21				127,124 18
1889					20,572 28	513,154 29				542,726 67
1890	\$68,711 80				38,768 87	537,794 74			110 30	577,068 00
1891		\$60,611 18		\$150,000 00	53,186 39	335,973 06			58 88	539,174 83
1892		74,195 24		200,000 00	73,186 24	284,824 84			47 75	509,068 39
1893		81,641 08			81,641 08	24,928 61				106,569 69
1894		88,171 09		19,967 00	88,171 09	14,528 83			480 75	117,147 17
1895		88,400 46			88,400 46	39,147 14				124,230 55
1896		86,240 80			86,240 80	12,326 24			9,262 87	94,994 74
1897					86,122 84	106,522 95			540 66	88,912 58
1898					79,833 63	253,373 97			112 15	243,905 18
1899			\$356,988 65		61,208 68	151,492 03		\$10,014 52	216 26	689,367 90
1900		8,866 79	486,514 85		40,528 01	95,560 17		25,753 83	1,048 26	649,325 94
1901		22,236 53	813,456 15		31,478 91	118,266 30		29,404 55	888 11	649,750 55
1902		25,704 22			21,263 63	31,957 28		24,443 58	885 44	79,225 20
1903		19,423 63			21,263 63	38,026 88		20,500 38	554 15	85,613 00
1904		81,848 39			21,263 63	105,539 77		85,671 38	364 20	163,531 95
1905		39,616 30			21,263 63	68,437 20		10,855 81	752 97	79,225 20
1906		12,191 23			21,263 63	98,437 20		704 84	13,587 81	139,548 88
1907		8,423 15			17,744 80	61,664 72		793 87	305,246 03	104,971 62
1908		14,123 15	267,806 23		7,484 99	16,023 62		824 48	38,510 16	305,246 03
1909		21,607 02	8,800 00		7,484 99	1,366 66		827 98	98,010 29	68,774 06
1910		16,046 84	60,566 12		6,048 73	101,080 62		883 87	98,010 29	190,368 00
1911		17,192 05			2,750 00	169,598 31		967 13	17,364 98	131,443 25
1912		14,865 27	51,000 00		2,300 00	38,870 84		640 85	121,123 28	112,123 28
1913		10,666 18			1,900 00	10,069 54		574 78	25,066 18	49,355 67
1914		13,545 12	20,000 00		1,900 00	20,230 68		574 78	25,066 18	49,355 67
1915		48,612 70			1,900 00	30,339 11		613 25	41,636 22	83,061 53
1916		37,963 30				20,230 68		697 75	33,279 50	72,068 05
1917		30,732 14				81,011 41		709 07	41,140 26	74,890 54
1918		25,710 95				81,011 41		767 07	35,720 48	67,497 96
1919		57,710 95				23,773 20		1,862 06	68,580 26	96,473 61

1960.	100,108 00	10,300 00	...	...	200,474 31	13,805 27	3,450 04	51,001 06	294,300 37
1970.	138,980 59	...	...	...	220,404 55	108,230 54	3,082 85	30,445 40	334,113 34
1971.	201,537 53	...	...	...	124,972 44	205,127 71	3,630 20	11,444 53	345,063 08
1972.	100,347 79	...	...	...	23,529 95	176,173 17	8,505 76	25,331 43	229,613 90
1973.	84,601 49	...	...	...	68,937 84	108,337 13	8,613 44	6,691 91	186,235 81
1974.	90,537 30	...	...	...	50,394 64	102,694 12	8,242 75	5,073 99	161,694 40
1975.	87,785 00	...	...	...	27,767 97	93,629 53	2,349 93	1,694 17	128,231 40
1976.	8,505 00	...	...	...	11,612 03	17,647 20	1,841 76	635 04	31,235 03
1977.	80,515 18	...	...	...	4,004 78	66,570 49	1,125 97	1,171 26	74,673 60
1978.	21,144 79	...	...	...	1,124 37	28,974 65	1,000 01	...	31,089 03
1979.	4,304 32	...	...	...	4,406 62	2,178 00	...	...	6,757 94
1980.	17,347 55	...	...	...	9,323 83	8,994 44	138 90	80 78	13,463 17
Total...	\$5,070,688 15	\$3,885,000 00	\$554,000 00	\$3,755,307 20	\$24,294 48	\$6,727,957 24	\$100,724 70	\$1,044,231 66	\$17,784,914 69

(N. Y.)

STATEMENT of receipts and payments on account of the Oneida River improvement in each year, up to September 30, 1880, inclusive, viz.:

YEARS.	RECEIVED.					Total.
	Loans.	Discount on loans.	Avails of loans.	From Erie and Champlain canals.	From Sinking Fund.	Tolls.
1839.....	\$25,000 00		\$25,000 00			\$25,000 00
1840.....						
1841.....	25,000 00	\$2,250 00	22,750 00			22,750 00
1842.....	9,438 57		9,438 57			9,438 57
1843.....	1,848 56		1,848 56			1,848 56
1844.....	8,000 00		8,000 00			8,000 00
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No. 68 — (Continued.)
BLACK RIVER CANAL.

YEARS.	DEFICIENCIES.		PAID.						Total.	
	Paid by the General Fund.	Paid by the Erie and Champlain canals.	Principal of the loans.	Temporary loans.	Interest on the loans.	Canal Commissioners and Superintendent of Public Works.	Superintendents.	Collectors.		Miscellaneous.
1857.					\$2,230 44	\$5,255 55	.....	.....	.....	\$7,404 99
1858.					29,293 97	97,735 21	.....	.....	.....	127,124 18
1859.					20,572 28	513,154 39	.....	.....	110 89	542,728 67
1860.					39,703 87	837,794 74	.....	.....	28 88	577,698 00
1861.		\$50,681 18	.....	.....	53,108 39	335,973 08	.....	.....	47 75	539,174 33
1862.		74,186 24	.....	.....	58,168 39	234,824 34	.....	.....	.....	509,068 38
1863.		81,641 08	.....	.....	73,136 24	24,828 61	.....	.....	.....	106,569 69
1864.		88,171 09	.....	.....	81,641 08	14,528 33	.....	.....	480 75	117,147 17
1865.		84,400 46	.....	.....	83,171 09	39,147 14	.....	.....	673 95	124,220 55
1866.		85,240 30	.....	.....	84,400 46	19,852 14	.....	.....	530 12	98,912 56
1867.					86,122 84	12,226 24	.....	.....	545 66	94,994 74
1868.					86,122 84	106,528 95	.....	.....	9,282 37	203,906 16
1869.					79,883 03	233,373 97	.....	.....	112 25	203,906 16
1870.					61,528 63	151,492 03	.....	.....	216 16	223,926 34
1871.		8,898 79	.....	.....	40,528 63	95,580 17	.....	.....	1,046 26	223,926 34
1872.		23,238 53	.....	.....	21,478 91	118,356 30	.....	.....	838 11	249,750 55
1873.		25,704 22	.....	.....	21,478 91	81,957 28	.....	.....	395 44	249,750 55
1874.		19,433 53	.....	.....	21,478 91	81,957 28	.....	.....	329 20	249,750 55
1875.		21,616 39	.....	.....	21,478 91	81,957 28	.....	.....	329 20	249,750 55
1876.		29,616 30	.....	.....	21,478 91	81,957 28	.....	.....	329 20	249,750 55
1877.		12,191 22	.....	.....	21,478 91	81,957 28	.....	.....	329 20	249,750 55
1878.		6,423 15	.....	.....	21,478 91	81,957 28	.....	.....	329 20	249,750 55
1879.		14,123 15	.....	.....	21,478 91	81,957 28	.....	.....	329 20	249,750 55
1880.		31,607 03	.....	.....	7,368 31	101,023 62	.....	.....	385 07	104,971 88
1881.		15,046 54	.....	.....	6,463 73	101,023 62	.....	.....	385 07	104,971 88
1882.		17,192 06	.....	.....	8,750 00	101,023 62	.....	.....	385 07	104,971 88
1883.		14,865 27	.....	.....	2,900 00	101,023 62	.....	.....	385 07	104,971 88
1884.		10,666 13	.....	.....	1,900 00	101,023 62	.....	.....	385 07	104,971 88
1885.		13,596 12	.....	.....	1,900 00	101,023 62	.....	.....	385 07	104,971 88
1886.		48,912 70	.....	.....	.....	1,900 00	.....	.....	385 07	104,971 88
1887.		37,863 30	.....	.....	.....	1,900 00	.....	.....	385 07	104,971 88
1888.		30,732 14	.....	.....	.....	1,900 00	.....	.....	385 07	104,971 88
1889.		25,720 63	.....	.....	.....	1,900 00	.....	.....	385 07	104,971 88
1890.		57,771 10	.....	.....	.....	1,900 00	.....	.....	385 07	104,971 88

No. 68 — (Continued.)
BLACK RIVER CANAL.

YEARS.	DEFICIENCIES.		PAID.					Total.	
	Paid by the General Fund.	Paid by the Erie and Champlain canals.	Principal of the loans.	Temporary loans.	Interest on the loans.	Canal Commissioners and Superintendent of Public Works.	Superintendents.	Collectors.	Miscellaneous.
1877					\$2,280 44	\$5,255 55			\$125 00
1878					20,293 97	97,725 21			
1879					20,572 28	512,154 30			
1880					39,768 87	37,794 74			110 80
1881	\$58,711 80				53,768 30	335,973 06			32 88
1882					73,186 24	284,824 84			47 75
1883					81,641 08	24,828 81			
1884					83,171 00	14,828 33			480 75
1885					84,400 46	38,147 14			672 98
1886					85,240 80	19,832 14			930 13
1887					86,122 84	19,828 24			545 66
1888					79,863 03	108,828 67			9,112 25
1889					61,293 97	230,773 87			819 16
1890					40,528 81	151,492 92			1,046 26
1891					21,478 61	118,856 30			1,838 11
1892					21,267 63	81,837 23			386 44
1893					21,263 63	38,828 88			329 20
1894					21,263 63	108,828 67			864 20
1895					21,263 63	98,437 23			13,587 81
1896					21,263 63	61,664 72			19,708 16
1897					17,744 80	41,297 38			35,510 74
1898					7,868 31	16,023 62			28,010 29
1899					6,463 73	101,090 62			21,929 80
1900					2,900 00	108,593 81			17,364 94
1901					2,900 00	108,593 81			21,929 80
1902					1,900 00	10,563 54			17,364 94
1903					1,900 00	1,860 54			21,929 80
1904						30,229 03			19,352 93
1905						25,329 11			48,759 18
1906						25,329 11			41,636 22
1907						25,329 11			82,061 83
1908						25,329 11			78,062 05
1909						25,329 11			74,890 34
1910						25,329 11			67,497 96
1911						25,329 11			98,573 61
1912						25,329 11			
1913						25,329 11			
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2003						25,329 11			
2004						25,329 11			
2005						25,329 11			
2006						25,329 11			
2007						25,329 11			
2008						25,329 11			
2009						25,329 11			
2010						25,329 11			
2011						25,329 11			
2012						25,329 11			
2013						25,329 11			
2014						25,329 11			
2015						25,329 11			
2016						25,329 11			
2017						25,329 11			
2018						25,329 11			
2019						25,329 11			
2020						25,329 11			
2021						25,329 11			
2022						25,329 11			
2023						25,329 11			
2024						25,329 11			
2025						25,329 11			
2026						25,329 11			
2027									

No. 69—(Continued).
GENESEE VALLEY CANAL.

YEARS.	DEFICIENCIES.		PAID.							Total.	
	Paid by the General Fund.	Paid by the Erie and Champlain canals.	Principal of loans.	Temporary loans.	Interest on loans.	Surplus to Erie and Champlain Canals.	Canal Commissioners and Superintendent of Public Works.	Superintendents of repairs.	Collectors.	Miscellaneous.	
1887.					\$147 05	.....	\$22,371 86	.....	.....	.....	\$22,518 93
1888.					100,000 00	.....	229,161 30	.....	.....	.....	\$29,161 30
1889.					102,832 74	.....	764,183 97	.....	.....	.....	965,522 61
1890.					126,072 78	.....	1,151,653 97	.....	.....	.....	1,277,726 76
1891.	\$43,339 35	.....	.....	\$100,000 00	171,478 23	.....	520,409 53	.....	.....	.....	1,263,827 46
1892.	79,832 44	.....	.....	455,000 00	188,992 85	.....	170,897 75	.....	.....	.....	1,167,171 27
1893.		\$123,870 28	.....	.....	188,992 85	.....	202,106 87	.....	.....	.....	318,108 40
1894.		173,773 56	.....	.....	198,120 75	.....	35,311 35	.....	.....	.....	415,688 54
1895.		100,519 96	.....	.....	198,120 75	.....	88,235 83	.....	.....	.....	234,088 17
1896.		168,774 74	.....	.....	204,301 27	.....	10,441 67	.....	.....	.....	238,273 68
1897.		201,874 50	.....	.....	213,129 97	\$7,766 87	15,783 33	.....	.....	.....	280,041 01
1898.		204,022 19	.....	.....	213,129 97	.....	25,957 41	.....	.....	.....	284,238 73
1899.		2,620 46	.....	.....	198,123 33	.....	154,768 71	.....	.....	.....	1,244,519 51
1900.			\$300,378 63	.....	157,103 61	8,448 78	376,164 73	.....	.....	.....	1,681,253 99
1901.					157,103 61	10,064 83	238,380 83	.....	.....	.....	423,576 08
1902.					157,103 61	.....	218,950 94	.....	.....	.....	423,576 08
1903.					157,103 61	.....	182,646 83	.....	.....	.....	409,168 26
1904.					157,103 61	.....	98,839 79	.....	.....	.....	409,168 26
1905.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1906.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1907.					157,103 61	.....	98,839 79	.....	.....	.....	409,168 26
1908.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1909.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1910.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1911.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1912.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1913.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1914.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1915.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1916.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1917.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1918.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1919.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1920.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1921.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1922.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1923.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1924.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1925.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1926.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1927.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1928.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1929.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1930.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1931.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1932.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1933.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1934.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1935.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1936.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1937.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1938.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1939.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1940.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1941.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1942.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1943.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1944.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1945.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1946.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1947.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1948.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1949.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1950.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1951.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1952.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1953.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1954.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1955.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1956.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1957.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1958.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1959.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1960.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1961.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1962.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1963.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1964.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1965.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1966.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1967.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1968.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1969.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1970.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1971.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1972.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1973.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1974.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1975.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1976.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1977.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1978.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1979.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1980.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1981.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1982.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1983.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1984.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1985.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1986.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1987.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1988.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1989.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1990.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1991.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1992.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1993.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1994.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1995.					157,103 61	.....	123,850 00	.....	.....	.....	409,168 26
1996.					157,103 61	.....	123,850 00	.....			

(No. 72.)

STATEMENT of receipts and payments on account of the Oneida River improvement in each year, up to September 30, 1880, inclusive, viz.:

YEARS.	RECEIVED.							
	Loans.	Discount on loans.	Avails of loans.	From Erie and Champlain canals.	From Sinking Fund.	Tolls.	Miscellaneous.	Total.
1839.....	\$25,000 00	.....	\$25,000 00	.....	.....	.....	.....	\$25,000 00
1840.....	25,000 00	\$3,250 00	22,750 00	.....	.....	.....	.....	22,840 76
1841.....	9,438 57	.....	9,438 57	.....	.....	.....	\$119 76	9,438 57
1842.....	1,943 56		1,943 56					1,943 56
1843.....	8,000 00		8,000 00					8,000 00
1844.....								
1845.....								
1846.....								
1847.....								
1848.....								
1849.....								
1850.....								
1851.....								
1852.....								
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1861.....								
1862.....								
1863.....								
1864.....								
1865.....								
1866.....								
1867.....								
1868.....								
1869.....								
1870.....								
1871.....								

No. 72—(Continued).
ONEIDA RIVER IMPROVEMENT.

YEARS.	RECEIVED.					
	Loans.	Discount on loans.	Avails of loans.	From Erie and Champlain canals.	From Sinking Fund.	Tolls.
1872	.....	.....	.....	.....	.....	\$650 00
1873	.....	.....	.....	.....	.....	639 57
1874	.....	.....	.....	.....	.....	478 47
1875	.....	.....	.....	.....	.....	215 40
1876	.....	.....	.....	.....	.....	230 36
1877	.....	.....	.....	.....	.....	525 23
1878	.....	.....	.....	.....	.....	300 08
1879	.....	.....	.....	.....	.....	144 83
1880	.....	.....	.....	.....	.....	289 72
Total	\$69,276 13	\$2,250 00	\$67,026 13	\$20,000 00	\$114,504 46	\$216,175 19
					\$135,094 27	\$552,800 05
Deficiencies paid by Erie and Champlain canals	.....	.....	.....	.....	.....	34,176 63
						\$586,976 67

No. 72 — (Continued).
ONEIDA RIVER IMPROVEMENT.

YEARS.	PAID.							Total.
	Deficiencies paid by Erie and Champlain canals.	Principal of loans.	Surplus tolls to Erie and Champlain canals.	Interest on loans.	Canal Commissioners and Superintendent of Public Works.	Superintendents of repairs.	Miscellaneous.	
1870			\$755 59	.....	\$16,009 87	.....	\$1,581 41	\$18,946 87
1871			724 61	.....	37,299 56	.....	1,083 06	39,117 23
1872			650 00	.....	.....	.....	.....	650 00
1873			629 57	.....	.....	.....	.....	629 57
1874			478 47	.....	.....	.....	.....	478 47
1875			215 40	.....	94 50	.....	.....	209 90
1876			230 36	.....	.....	.....	.....	230 36
1877			525 26	.....	.....	.....	.....	525 26
1878			300 08	.....	.....	.....	.....	300 08
1879			146 85	.....	.....	.....	.....	146 85
1880			229 73	.....	.....	.....	.....	229 73
Total.	\$34,176 62	\$69,276 13	\$187,068 75	\$65,888 99	\$22,997 98	\$35,005 50	\$7,239 42	\$386,976 67

3,871 65

STATI

' STATE BER 30, 1880, INCLUSIVE.

6,081 93	245,815 69	5,038,185 84
7,412 50	61,800 98	4,318,801 08
7,076 93	78,364 70	4,239,932 38
7,468 11	60,992 98	3,645,553 41
7,873 16	72,371 22	4,439,872 81
8,093 29	55,587 11	7,677,661 75
7,796 73	81,283 22	10,854,493 12
7,779 10	156,158 04	5,828,618 16
8,096 78	118,033 32	7,819,129 26
6,295 93	177,939 55	3,559,863 14
9,867 67	99,394 79	7,100,484 00
8,111 30	67,966 80	5,502,766 56
8,430 85	150,308 61	5,987,388 99
9,164 07	535,855 38	4,542,820 94
9,256 88	235,654 47	5,088,135 70
9,705 70	137,301 29	8,762,220 48
11,306 35	128,204 06	6,042,208 73
11,824 04	149,559 37	7,022,351 99
13,347 70	149,026 26	5,108,309 62
12,619 99	119,596 18	7,194,698 46
14,299 92	285,274 55	6,463,267 84
14,044 12	229,799 55	5,888,987 48
12,285 30	297,983 39	8,261,654 05
11,950 20	494,668 63	9,287,082 87
12,846 39	512,836 37	9,711,963 14
12,118 09	201,543 30	6,015,687 99
10,883 22	198,576 00	2,984,256 33
9,827 69	179,947 13	2,429,752 37
4,108 76	150,475 50	2,479,327 66
5,212 86	151,306 36	1,580,984 59
5,642 87	122,941 02	1,588,707 30
3,871 88	\$399,781 57	\$6,865,872 93
		\$264,582,076 69

3,322,644 82

\$267,904,721 51

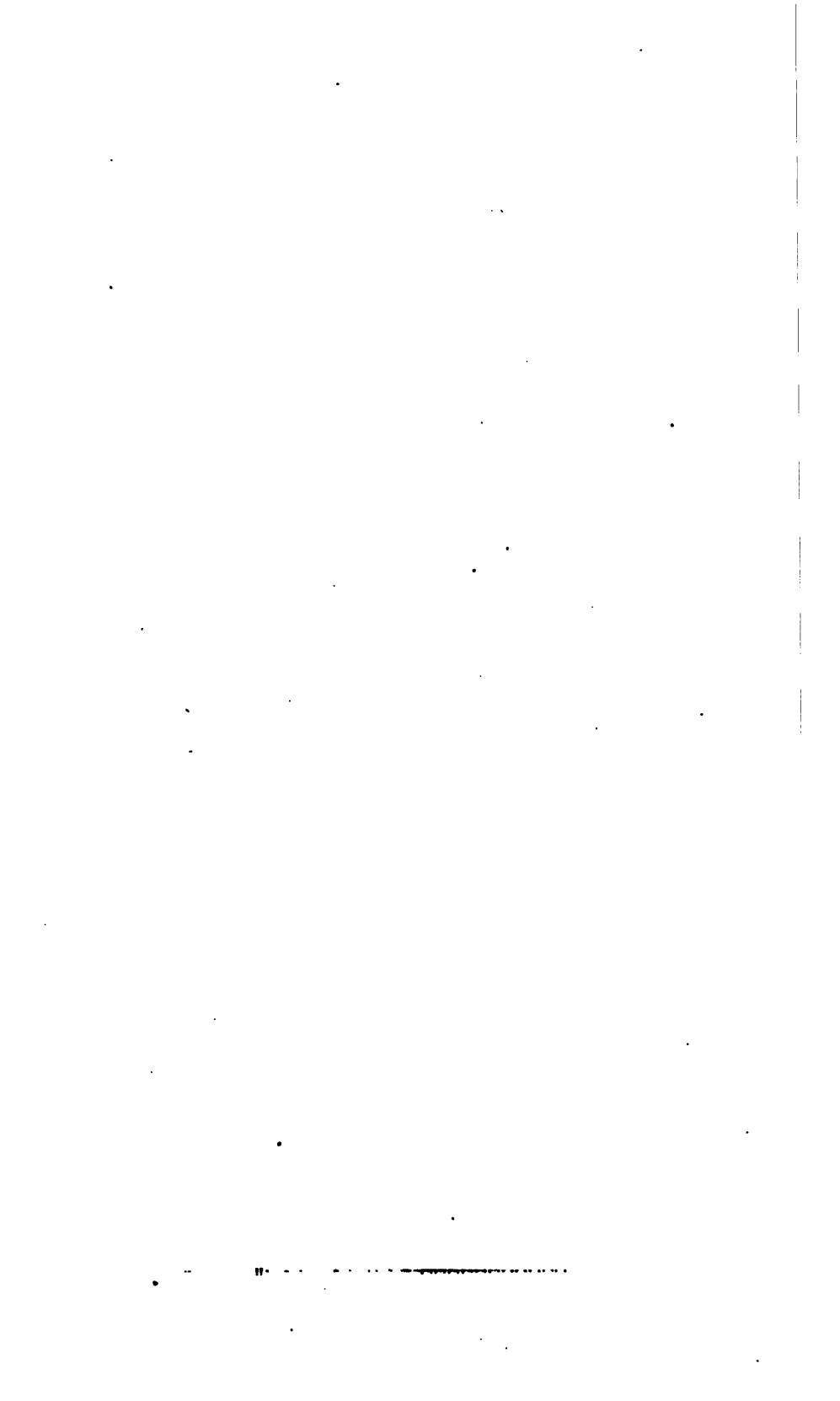
\$3,322,644 82

481 92

\$3,323,126 74

See No. 27,





INDEX.

	PAGE.
Report of the Auditor.....	3
Revenues and expenditures of the last fiscal year.....	3
Canal debt paying interest September 30, 1879	5
Debt after balance of sinking funds have been applied.....	5
Canal debt outstanding	5
Revenues, comparative statement.....	6
Of the canal debt sinking funds.....	7
Sinking fund, article 7, section 1.....	7
Sinking fund, article 7, section 3.....	7
Unavailable deposits	8
Receipts and expenditures on account of the canals, tabulated, showing for each canal :	
1. The income derived from tolls and other sources.	9
2. Payments for collection, ordinary repairs and miscella- neous charges on the revenues.	
3. The surplus of revenue, or profit in operating.	
4. The deficiency of revenue, or loss in operating.	
5. Payments, from proceeds of taxes, for extraordinary repairs, damages, awards and interest.	
6. Total payments from earnings and taxes.	
7. Income in excess of all taxes.	
8. Payments in excess of income.	
Deductions from foregoing table.....	10
Ordinary and extraordinary repairs.....	11
Canal tolls imperative! Is there any authority for the so-called "Free List"?	12
The present complex system of collecting tolls: a uniform rate, per ton, sys- tem preferable.....	14
Weigh-locks.....	15
Steam propulsion	17
Cable towing	17
The anomalous charges of the elevators! How they affect the interests of boatmen! Is our liberal canal policy obstructed by combinations?..	18
The business season of 1880.....	20
Conclusion	22

DOCUMENTS AND TABLES.

No.		
1.	Receipts and payments during the fiscal year	23
2, 3.	Sinking fund for the redemption of the canal debt	25
4, 5.	Sinking fund for the redemption of the debt for the enlargement and completion of the canals.....	25, 26
6, 7.	Investment of premiums on loans.....	26
8, 9.	Fund to provide for extraordinary repairs, etc., of the canals.....	27
10, 11.	Fund for the Albany basin	27
12, 13.	Taxes of 1886	27
14, 15.	Taxes of 1879	28

Nos.		PAGE.
16, 17,	Fund for the enlargement of the Erie, Oswego and other canals, etc.	28
18, 19,	Fund for the enlargement of the Champlain canal	28, 29
20, 21,	Fund for the reconstruction of Oneida Lake canal	29
22, 23,	Deposits of contractors to secure the performance of contracts for new work and extraordinary repairs.....	29
24, 25,	Fund of the Erie canal enlargement.....	30
26, 27,	Erie and Champlain canal fund	30, 32
28, 29,	Oswego canal fund.....	37
30, 31,	Cayuga and Seneca canal fund.....	38
32, 33,	Chemung canal fund.....	39
34, 35,	Chenango canal fund	39
36, 37,	Black River canal fund	40
38, 39,	Genesee Valley canal fund.....	41
40, 41,	Oneida Lake canal fund.....	41
42, 43,	Fund for the Oneida River improvement	41, 42
44, 45,	Seneca River towing-path	42
46, 47,	Cayuga inlet.....	42
48,	Canal debt, when due, interest on, etc	42
49,	Canal funds, how deposited and invested, and to what they belong ..	44
50,	Operations of the sinking fund for the canal debt under article 7, section 1 of the Constitution.....	47
51,	Operations of the sinking fund for the canal debt under article 7, section 3 of the Constitution	50
52,	Operations of the sinking fund for the canal debt under article 7, section 12 of the Constitution.....	52
53,	Statement of taxes levied for canal purposes under the present Constitution.....	53
54,	Tolls received on the canals in 1879 and 1880	54
55,	Statement showing the tolls collected, expenses and percentage of collection, and the year in which the collection commenced on each lateral canal	55
56,	Statement showing the tolls collected, cost of repairs and collection, the percentage of the same, and the aggregate tonnage of the total movement on all the canals.....	56
57,	Receipts of tolls, expenses of collection and repairs, and surplus revenues from 1836 to 1880	57
58,	Progress of the canal debt, amount paid for interest and to the Canal Commissioners; also the surplus revenues from 1836 to 1879.....	58
59,	List of clerks in the Canal Department.....	60
60,	Statement of advances to superintendents of repairs; payments to repair contractors and expenditures by Canal Commissioners for ordinary repairs, 1854 to 1879.....	60
61,	Payments to Canal Appraisers, etc	61
62,	Receipts and payments on account of Erie canal enlargement.....	62
63,	Receipts and payments on account of Oswego canal.....	66
64,	Receipts and payments on account of Cayuga and Seneca canal	70
65,	Receipts and payments on account of Chemung canal	74
66,	Receipts and payments on account of Crooked Lake canal.....	76
67,	Receipts and payments on account of Chenango canal.....	83
68,	Receipts and payments on account of Black River canal.....	86
69,	Receipts and payments on account of Genesee Valley canal	90
70,	Receipts and payments on account of Oneida Lake canal	94
71,	Receipts and payments on account of Baldwinsville canal	96
72,	Receipts and payments on account of Oneida River improvement....	97
73,	Statement of all receipts and payments on account of the canal fund,	101





ANNUAL REPORT

OF THE

SUPERINTENDENT OF THE BANK DEPARTMENT

OF THE

STATE OF NEW YORK.

TRANSMITTED TO THE LEGISLATURE JANUARY 5, 1881.

ALBANY:
WEED, PARSONS AND COMPANY.
1881.



STATE OF NEW YORK.

No. 5.

IN ASSEMBLY,

JANUARY 5, 1881.

ANNUAL REPORT

OF THE SUPERINTENDENT OF THE BANK DEPARTMENT.

STATE OF NEW YORK:

BANK DEPARTMENT, }
ALBANY, *December 24, 1880.* }

To the Honorable the Speaker of the Assembly:

SIR — As required by law, I have the honor herewith to transmit to the Legislature the Annual Report of this Department in relation to incorporated banks, banking associations, individual bankers, and other moneyed corporations.

I am, very respectfully,

Your obedient servant,

A. B. HEPBURN,

Superintendent.



REPORT.

BANK DEPARTMENT,
ALBANY, *December 24, 1880.* }

To the Honorable the Legislature of the State of New York :

At the close of the last fiscal year, September 30, 1880, sixty-eight banks of discount and deposit, organized under the laws of this State, were actively engaged in the business of banking.

BANKING ASSOCIATIONS CLOSED.

Six banking associations were closed during the year.

The Manufacturers and Merchants' Bank, New York city, the Steuben County Bank, Bath, the Delaware County Bank of Walton, and the Mechanics' Bank of Syracuse, went voluntarily into liquidation.

The Cuba State Bank, converted into a national bank.

The Grocers' Bank, New York city, failed, and its assets were placed in the hands of Stephen V. White, who was appointed receiver January 2, 1880, by J. W. Gilbert, one of the justices of the Supreme Court.

NEW BANKS ORGANIZED.

One new banking association organized during the year, viz.: the Robert Gere Bank, located at Syracuse, capital \$100,000.

REDUCTION OF CAPITAL.

During the fiscal year there has been no reduction of capital by any of the banks doing business. The year preceding, the aggregate reduction of capital was \$590,000.

STATEMENT OF THE CONDITION OF THE BANKS.

Below is given a summary of the quarterly reports of all the banks for the last two years, for the days nearest the close of the fiscal year.

RESOURCES.	Condition Sept. 13, 1879.	Condition Sept. 18, 1880.
Loans and discounts	\$51,174,579	\$63,502,759
Due from directors	2,354,362	2,676,500
Overdrafts	85,460	89,668
Due from trust companies, State, national, and private banks and brokers	7,234,115	7,734,352
Real estate	2,409,857	2,235,238
Bonds and mortgages	369,059	335,192
Stocks and bonds	7,607,977	3,476,213
Specie	1,587,230	5,231,764
United States legal-tender notes and circulating notes of na- tional banks	5,109,829	4,011,045
Cash items	8,326,526	10,056,225
Loss and expense account	219,823	918,523
Assets not included under either of the above heads	214,022	288,064
Add for cents	243	218
	\$86,693,189	\$99,850,755
LIABILITIES.		
Capital	\$19,353,200	\$18,738,900
Surplus fund	4,482,754	4,856,539
Undivided profits	2,763,711	3,201,641
Circulation	37,684	37,553
Due depositors on demand	52,259,589	61,795,773
Due to trust companies, State, national and private banks and brokers	6,430,858	9,376,685
Due individuals and corporations, other than banks and de- positors	341,288	457,370
Due Treasurer of the State of New York	559,275	735,372
Amount due not included under either of the above heads	474,064	654,552
Add for cents	134	130
	\$86,693,182	\$99,850,755

The number of banks in operation are five less than at the date of the last report. During the year there has been a marked increase in the volume of business transacted. Deposits have increased \$9,536,184; profits, \$821,715, and loans and discounts, \$12,328,180. There is a net aggregate increase in assets of \$13,157,573.

Nothing more truly reflects the business status of a country than the condition of its banks. Depression and prosperity are by them recorded with as much exactness, as atmospheric changes by the barometer. The bountiful harvests of the past two seasons, coupled with high prices and a foreign demand, restoration of specie payments, and renewed confidence in business circles, have given to all industries a remarkable impetus, and to the banks a growing strength and prosperity, evidenced in the statistics above given.

Under the provisions of chapter 202, Laws of 1880, the deposit by banking associations and individual bankers, as a guaranty of good faith, was reduced from \$5,000 to \$1,000.

Forty-five banks have applied for, and received \$174,500 of stocks released by said act.

Twenty-one of the banks have not as yet applied for the stocks released by the act of 1880.

The aggregate of securities on deposit with the Superintendent, in excess of statutory requirements, is \$122,276.45, viz.: Stocks, \$100,000; bonds and mortgages, \$18,800; cash, \$3,476.45.

The sum of \$59,300, in coupon bonds, was received from my predecessor.

These bonds possess the characteristic of money, in respect to title accompanying possession, and, in case of loss or destruction, would necessarily entail loss upon the Superintendent or owners of the bonds. Believing that their retention in this Department involved an unnecessary responsibility, I addressed a letter to the institutions having them on deposit, requesting that registered bonds be substituted, which request was complied with very cheerfully, leaving, at the date of this report, but \$5,400 of coupon bonds in this Department—\$400 belonging to an individual banker, and \$5,000 of five per cents, of the loan of 1858, redeemable January 1, 1864, are owned by a bank long since closed.

The securities held by the Superintendent in trust, September 30, 1880, amounted to \$1,166,169.77, and were divided as follows: Mortgages, \$18,800; United States stocks, \$1,094,900; New York State stocks, \$14,900, and cash, \$37,569.77. The net decrease in securities during the year was \$20,193.84.

Of the securities deposited with the Superintendent, \$66,000 is held as a guaranty of good faith on the part of banking associations and individual bankers; \$77,514.34 is held as security for outstanding circulation, the time for the redemption of which has not expired; \$900,378.98 is held for trust companies. The remaining \$122,276.45 is held subject to the order of the owners—\$84,000 being stocks released by the provisions of chapter 202, Laws of 1880, the balance, \$38,276.45, having been deposited as security for circulating notes, the legal time for the redemption of which expired prior to October 1, 1880.

BANK BILLS RETURNED AND BURNED.

There have been received and burned at the Bank Department, during the year, \$820 of State bank bills, of which \$818 were

notes issued by banking associations and individual bankers, and \$2 were bills issued by incorporated banks.

The total circulation of both kinds canceled during the year, by redemption and expiration of legal time for redemption, was \$52,404.

The aggregate circulation of State banks, outstanding September 30, 1880, was \$374,460; at the close of the previous year it was \$426,864. The circulation canceled during the year was \$52,404, of which \$28,580 were unsecured notes, issued by incorporated banks, and \$23,824 were notes issued by banking associations and individual bankers, organized under the general laws.

The secured circulation, outstanding September 30, 1880, was \$65,461; the unsecured, \$308,999.

BUILDING, MUTUAL, LOAN AND ACCUMULATING FUND ASSOCIATIONS.

Chapter 564, Laws of 1875, placed these associations under the supervision of the Bank Department, and required them to report to the Superintendent, and the Superintendent to examine them biennially. In 1876, about two hundred of these institutions filed reports.

The reports, however, were very imperfect in form and defective in matter, giving but little information, save that there was great diversity of method in conducting business, and a general failure to come up to a high standard of business management.

In 1876 two examiners were commissioned to examine these institutions. Only one reported the result of his labors, which may be found in the appendix to the Superintendent's report for 1876.

In 1878 the clause requiring examinations was repealed (chapter 96), and for the year just closed only twenty of these associations have made reports to this Department.

These institutions contribute nothing to the support of this Department, and it would not be just that expense should be incurred in their supervision and charged to other State institutions.

The law placing these associations under the supervision of this Department is practically a dead letter, and its repeal was recommended by my predecessor. Certainly, if active supervision is desired by your honorable body, the law should be amended restoring the provision as to examinations, and subjecting them to assessment for the support of this Department, otherwise the act of 1875 had better be repealed.

TRUST, LOAN AND MORTGAGE COMPANIES.

Number of institutions same as at date of last report, viz., twelve.

All receive deposits excepting Equitable, Manhattan and United States Mortgage Co.

Institutions of this class which receive deposits have on deposit with the Superintendent in U. S. stocks, 10 per cent of their capital, the minimum deposit being by law limited to \$50,000.

During the year the Mercantile Trust Co. commenced the receiving of deposits, and has deposited with the Superintendent \$200,000.

The Brooklyn Trust Co. has, during the year, increased its capital to the sum of \$400,000.

The Manhattan Mortgage Co. has not as yet organized for active business.

The institutions of this class, with but two exceptions, are located in the city of New York, viz., The Brooklyn Trust Company of Brooklyn, and The Trust and Deposit Company of Onondaga, located at Syracuse.

CONDITION JULY 1, 1880.

NAME.	Location.	Capital.	Assets
*Brooklyn Trust Company	Brooklyn.....	\$251,875 00	\$2,248,976 98
Central Trust Company.....	New York city...	1,000,000 00	6,490,016 38
Farmers' Loan and Trust Company.....	New York city...	1,000,000 00	11,700,666 21
New York Life Insurance and Trust Co.....	New York city...	1,000,000 00	14,789,920 81
Real Estate Trust Company.....	New York city...	500,000 83	806,543 29
Trust and Deposit Company of Onondaga.....	Syracuse.....	100,000 00	858,984 61
Union Trust Company.....	New York city...	1,000,000 00	16,282,778 17
United States Trust Company.....	New York city...	2,000,000 00	28,859,569 63
Equitable Trust Co. of New London, Conn.....	New York city...	1,500,000 00	4,822,900 88
Mercantile Trust Company.....	New York city...	2,000,000 00	3,861,818 52
Manhattan Mortgage Company.....	New York city...	25,500 00	.....
United States Mortgage Company.....	New York city...	1,000,000 00	7,031,541 98
		\$11,877,375 83	\$96,713,717 46

CORPORATIONS FOR THE SAFE-KEEPING AND GUARANTEEING OF PERSONAL PROPERTY.

These corporations are examined by the Superintendent annually and report to him semi-annually.

There is no provision in the statutes requiring them to contribute toward the maintenance of the Bank Department.

I am unable to discover any reason for this discrimination. It is true their business, from its nature, is attended with little liability

* Since the date of this report capital has been increased to \$400,000.

of loss to the public; yet if they are to be examined and supervised, they should be placed on a par with other institutions and help defray the expense of supervision, and I think the law should be amended so as to compass this result.

CONDITION JULY 1, 1880.

NAME.	Location.	Capital.
Bankers' Safe Deposit Company.....	New York city.....	\$100,000 00
Brooklyn City Safe Deposit Company.....	Brooklyn.....	100,000 00
Central Safe Deposit Company.....	New York city.....	93,600 00
Long Island Safe Deposit Company.....	Brooklyn.....	200,000 00
Mercantile Safe Deposit Company.....	New York city.....	300,000 00
Safe Deposit Company of New York.....	New York city.....	283,800 00
Safe Deposit Company of Rochester.....	Rochester.....	100,000 00
Stuyvesant Safe Deposit Company.....	New York city.....	200,000 00
		\$1,876,900 00

REVISION OF THE LAWS.

There has been no authoritative revision of the laws of this State since 1829. A general banking law was passed in 1838. Forty-two years of amendment and enactment by the legislature, together with the practical wiping out of State bank circulation and other incursions made upon our laws by the creation of national banks, and the establishment of a national currency, have rendered the banking laws of the State in many instances obsolete, and in others complex and contradictory.

Recognizing this fact and the necessity for action, the legislature of 1879, chapter 170, created a commission, "to compile and revise all statutes of the State of New York affecting banks, banking and trust companies," etc., and directed that their report "be submitted to the legislature for the year 1881, and at the same time they shall suggest to the legislature such omissions, contradictions and other imperfections as may appear in the original text, with their recommendations for amendment, either by repeal or by supplementary or explanatory legislation, with their reasons for such recommendations."

Hon. Geo. B. Sloan, Willis S. Paine, Esq., and David C. Van Cott, Esq., were appointed such commissioners. Owing to defect of the law in making appropriation for the expenses of such commission, nothing was done during the summer, beyond effecting an organization of the commission. On November 8th, Mr. Sloan resigned his office as commissioner, the pressure of business during the fall and

winter season rendering it impossible for him to give the work his attention. In response to inquiry as to the status of the work of the commission, I received from the remaining commissioners the following reply :

NEW YORK, *November 9th*, 1880.

HON. A. B. HEPBURN,

Superintendent of the Bank Department, Albany, N. Y. :

DEAR SIR — In reply to your favor of the 11th ultimo, requesting information as to the state of the work of the commission recently appointed by his excellency, the governor, in pursuance of an act of the legislature, providing for the appointment of commissioners to “ compile and revise the laws in relation to banks, banking and trust companies, and to propose amendments to the same,” we hereby report : That we are now engaged upon a revision of the banking laws of the State, with a view to their compilation and re-enactment in a single law.

That to accomplish this, we find it necessary to compare and arrange the original laws and amendatory acts covering a period of half a century — which necessitates a large amount of clerical work ; in addition to the care requisite in properly comparing and digesting all the provisions of all the laws, as amended, to and including the acts of the legislature of 1880.

In addition to the work of compilation for re-enactment, we believe it to be within the purpose contemplated by the act creating the commission, to “ propose amendments ” to the law as it exists.

The materials for such proposed amendments are to be gathered from all available sources, and in the report of the commission, the proposed amendments will be discriminated from the sections expressing the law as it is, by being printed *in italics*.

Our labors lead us to believe that the banking laws of the State are in need of revision. Not only is such revision necessitated by the fact that the banking laws cover a period embracing half the history of the State, consisting of original enactments, modified by innumerable amendatory acts, but also by the fortuitous circumstance that the necessities of the United States government during the late war introduced elements into the banking system of the several States, which have materially modified, if not revolutionized, State banking.

And we are further led to believe that the revision should be made, not as mere revision, but in contemplation of the banking and financial needs of the country and the interests of this State, and that the entire subject should be so presented to the legislature that it will be informed as to the condition of public opinion on the subject of banks, banking and trust companies in the State of New York.

Respectfully submitted,

DAVID C. VAN COTT,
WILLIS S. PAINE.

Section 4 of said act provides:

"§ 4. The reasonable expenses of said commissioners for clerical services and other incidental disbursements, providing the same does not exceed the sum of five thousand dollars, shall be paid to them from time to time upon their requisition therefor upon the comptroller of the State, to be paid into the treasury by the banks, banking and trust companies in the same manner as other expenses of the banking corporations are now paid."

While this authorizes an expenditure of money not exceeding \$5,000, it contains no words of appropriation, and the comptroller therefore declined to pay. This omission you will be asked to supply, and in doing so, I trust that you will remove a flagrant act of injustice which the section quoted contains. Here is a commission created to submit to the legislature a proposed revision of the laws relating to "banks, banking and trust companies." When its labors shall have been completed, and its report submitted, the proposed revision will be enacted into a law, if it commends itself to the judgment of the legislators. If it does not so commend itself, it will be rejected. And yet the institutions named are required to pay the expenses of the commission whether the revision succeed or fail.

Not only are they required to pay for legislation — not legislation for their benefit, but for the benefit of the general public whose interests they serve, and of which they form but part — but they are required to pay for an experiment in the direction of legislation. This is a departure from all precedent, and is unwise and unjust.

There was a general savings bank law passed in 1875, which has since been amended and perfected, and is now in a very satisfactory condition, requiring slight, if any, amendment. The injustice of requiring savings banks to pay for this proposed revision is manifest. As well and as fitly might the attorneys of the State have been compelled to pay the expense of the recent revision of the Code of Procedure. As well might the railroads of the State have been required to pay the expense of the recent railroad investigation and the legislation and attempted legislation in connection with its report. It will not do for the State to segregate any of the various interests that form her aggregate wealth and prosperity, and levy upon such interest the cost of legislation proposed for the benefit of the whole people and affecting the whole people in their relations with these institutions, quite as much as the institutions themselves. It is important and desirable that the appropriation

necessary to enable this commission to complete its labors should be made, but it should be made from the State treasury. The burden of taxation rests sufficiently heavy upon these institutions already, and the addition of this last straw is as unjust as it is wrong in principle. While correcting the law in this respect, in my judgment, it should be so amended as to include in the revision "safe deposit companies," "loan and building fund associations," and comprehend all the laws relating to all institutions under the supervision of this department.

The legislature having thus provided for a revision of the laws and a report as to the necessary amendments, I shall not traverse that subject, but confine myself to questions that demand especial attention and immediate action. Chapter 567, Laws of 1880, reads as follows :

"AN ACT to amend chapter one hundred and sixty-three of the laws of eighteen hundred and seventy entitled 'An act to amend the act entitled 'An act to authorize the business of banking,' passed April eighteen, eighteen hundred and thirty eighth.'"

SECTION 1. Section one of chapter one hundred and sixty-three of the laws of eighteen hundred and seventy, entitled 'An act to amend the act entitled 'An act to authorize the business of banking,' passed April eighteen, eighteen hundred and thirty-eight,' is hereby amended so as to read as follows :

§ 1. Every banking association organized and doing business under and by virtue of the act entitled 'An act to authorize the business of banking,' passed April eighteen, eighteen hundred and thirty-eight, and the various acts supplementary thereto and amendatory thereof, and every private or individual banker or bankers doing business in this State, are hereby authorized to take, receive, reserve and charge on every loan or discount made, or upon any note, bill of exchange, or other evidence of debt, interest at the rate of six per centum per annum, and such interest may be taken in advance, reckoning the days for which the note, bill or other evidence of debt has to run. The knowingly taking, receiving, reserving or charging a rate of interest greater than aforesaid shall be held and adjudged a forfeiture of the entire interest which the note, bill or other evidence of debt carries with it, or which has been agreed to be paid thereon, and, in case a greater rate of interest has been paid, the person or persons paying the same, or their legal representatives may recover back twice the amount of the interest thus paid, from the association taking or receiving the same; provided that such action is commenced within two years from the time the said excess of interest is taken. But the purchase, discount or sale of a bona fide bill of exchange, note or other evidence of debt, payable at

another place than the place of such purchase, discount or sale, at not more than the current rate of exchange for sight drafts, or a reasonable charge for collecting the same, in addition to the interest, shall not be considered as taking or receiving a greater rate of interest than six per centum per annum.

§ 2. Section two of said chapter one hundred and sixty-three of the laws of eighteen hundred and seventy is hereby amended so as to read as follows :

§ 2. It is hereby declared that the true intent and meaning of this act is to place and continue the banking associations organized and doing business as aforesaid, on an equality, in the particulars in this act referred to, with the national banks organized under the act of congress, entitled 'An act to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof,' approved June third, eighteen hundred and sixty-four. And all acts and parts of acts inconsistent with the provisions hereof are hereby repealed.

Just what scope will be given by the courts to this act is difficult to determine. The essential provision of the act is a transcript of the United States law upon the subject of usury. So far it is explicit. The uncertainty lies in the application of the law—in determining to whom the legislature intended to extend these mollified provisions of the usury law. The United States having created national banks, and by act of congress, regulated the conduct of their business, and determined the penalties for taking a greater rate of interest than the law permits, these institutions enjoy entire immunity from State control. The United States law regulating this subject is in substantial accord with the law of a great majority of the States.

Judging from the tendency of the age, there is not the slightest probability that the general government will ever impose more rigorous penalties for taking usury.

Under these circumstances, two alternatives confronted the legislature. Either the institutions organized under the laws of this State must suffer through the discrimination thus made, or they must, by law, be placed upon a par with these corporations of the general government. That in choosing the latter alternative, the legislature acted wisely, no one will question. Any other course would have evinced a purpose to place our own institutions at a disadvantage in competition with those of another and a higher authority—a course as unnatural as it would be unjust. The act places all banking institutions organized under our State laws upon a par with national banks, and to that extent is right. But does it

not go further? What construction shall be put upon the words, "and every *private* or *individual* banker or bankers."

The intent of the legislature is to be sought in construing this statute. It seems hardly possible that it could have been intended that every man who chose to go into the business of buying notes should be put on a level with national banks, and under no greater penalty than they are for taking greater discounts or shave than at the rate of lawful interest. If the phrases, *private banker*, *individual banker*, are to have the meaning of one who does not get from the public — that is, from the State — his right or franchise to do the business that a banker does, and who has not proceeded under the State banking laws, then all that a "shaver of notes" or a "curb stone broker" has to do, is to hang out a sign "John Doe, banker," and do his business under that guise, and he will escape the penalties of the usury law of 1837. If these phrases are to have such meaning, then the act extends its privileges to a class of persons who make no deposit of securities with the banking department, are not subject to supervision, make no reports of their business, afford the public no knowledge whatever of their transactions, need keep no books, need have no capital, no system of conducting business, no responsibility. They may have just as much or just as little of that which goes to make a thoroughly organized bank as they please.

They are outside the statute — they are outside of all legal requirement. If they style themselves "private bankers," private bankers they are — their *ipse dixit* settles it.

This statement seems to be justified by the language of the court of appeals in "*The People of the State of New York v. Doty*," decided in February last (an action brought under chap. 371, Laws of 1875, to recover a penalty against Doty, a "private banker," for putting out a sign as a "savings bank." Defendant pleaded that he was a "private banker," and did not fall within the statute. Held, that the action could not be maintained against any one not getting authority to do a banking business directly from the State).

The court says, "with completeness enough for this case, a banker is one who keeps a place for the traffic in moneys; who there receives it from others, and keeps it with his own, using the whole fund as his own, or remits it at request to other places; who repays it at the will and call of his customers; who furnishes money to others on the discount of their obligations, or on securities brought by them; and who buys and sells bills of exchange. To

these is sometimes added the issuing of his notes to pass as money, when allowed by law to do so. The business of the defendant partook of *some or all* of these parts except the issuing of notes.

"*He was a banker.*" Such construction would open a comparatively unhazardous business to all buyers of securities in the State. It is hardly to be supposed, outside the language of the act, that the legislature meant this. There has been a too steady and firm resistance to a change in the usury law, despite assiduous attempts to make a change. Yet when the act is read, and the phrase "*private banker*" is taken as it stands in the act, there is plausibility in the assertion that the legislature did so intend.

The term "individual banker" has been judicially construed, and is held to mean only such banker as gets his franchise from the State.

The phrase "private banker" is once at least used as synonymous with "individual banker." (§ 8, chap. 202, Laws of 1840.)

This strengthens the idea that it was meant by the phrase wherever used to indicate one doing business as a banker under "the Free Banking Act." The difficulty in giving that meaning to the act of 1880 is, that it first speaks of banking associations formed under the act of 1838, and then of private bankers, etc. If it meant private or individual bankers acting under that statute, why did it not use the words "private or individual banker," in juxtaposition with "banking association." On the other hand the title to the act of 1880 and of the act of 1870 indicates that the legislature had only the Free Banking Act in mind, for the acts of 1880, above quoted, and 1870, are by their titles professedly amendments of "the Free Banking Act." And in support of that view comes in the second section of the act of 1880, and also of 1870, declaring the intent of the acts, viz.: To put State banks formed under the act of 1838 on a par with national banks.

But the opinion, in *People v. Doty*, above referred to, seems almost to settle the question. The court says, after examining the statutes at length: "An individual banker then is he who has availed himself of the banking statutes and has become empowered to do banking thereunder." * * * Again: "But the common meaning of bank does not take in the idea of statutory authority, or a privilege to be got by the observance of prefatory condition." * * * Again: "Indeed the proper phrase for a banker who exercises in his business no more than the rights and privileges common to all men, as distinguished from a bank or asso-

ciation of persons who have taken advantage of the provisions of statutes, and, by a compliance with the conditions of them, has privileges, not natural and common, is not *individual banker*, it is *private banker*." * * * Again: "It may be safely said that custom and the common understanding make that distinction; that those who do some part of a banking business, without especial privileges from the State, are known in the speech of men as private bankers; that the term 'individual banker' is a coinage of the statute law, as a term of distinction of a class of its creatures." * * * The question raised by this act was not, however, before the court in that case, and the above quotations are *obiter* merely. The proper construction of the act is not free from doubt and the legislature should at once limit its application to banking institutions getting their franchise to do business from the State, or extend its provisions to all citizens, there being not the slightest reason why a citizen, who assumes to do a banking business without incurring the responsibilities of a banker, as provided by law, should be accorded privileges which are denied to a manufacturer, merchant, or other citizen, or savings banks, trust companies, or other associations or corporations.

ANNUAL EXAMINATIONS.

(Sec. 3, chap. 419, *Laws of 1847*.)

"Whenever, in the opinion of the comptroller [superintendent], there shall be good cause to suspect that any bank, banking association or individual banker has made an incorrect or imperfect quarterly return, or is in an unsound or unsafe condition to do banking business, it shall be his duty to have the books, papers and affairs of such bank, banking association or individual banker, examined by some competent person to be designated by him, who shall examine fully into its books, papers and affairs forthwith, and report to the comptroller [superintendent], on oath, the result of such examination." * * *

This is the only authority, except in specific cases, given to the superintendent to examine into the condition of banks of discount. And this seems to contemplate that the superintendent shall wait until from some extrinsic source there shall be just cause to suspect an unsafe or unsound condition of affairs before making an examination. Instead of ascertaining the affairs of the banks and apprising the public, the department first gets from the public "good cause to suspect," and then proceeds to verify or dissipate its suspicions. This course of procedure is entirely at variance with the

proper functions of a supervising officer. It may be argued that the quarterly reports will show the condition of the banks and furnish a sufficient guide to the superintendent. It is a just pride with banks, as with individuals, to make as good showing as possible.

Their weaknesses, embarrassments and shortcomings are never paraded, but are kept as well in the background as facts will warrant. 'Tis absurd to suppose that a bank dishonestly managed would unfold such management upon the pages of its report. It seems to me that State banks, in comparison with national banks, are at a disadvantage in public estimation because the latter are annually examined and vouched for, while the former are not.

In case of a bank failure, public censure is little less severe upon the superintendent than upon the managers of the bank, and yet with the present law this censure is manifestly unjust.

Although the condition of the banks and bank management is at the present time very gratifying, an amendment of this law is necessary in order to give to supervision a remedial force, and enable the department to arrest and prevent mismanagement, instead of simply holding a *post mortem* on an already accomplished wrong, as the present law seems to contemplate.

BANK TAXATION.

It is a well-authenticated fact that the taxation levied upon banks is greater in proportion than that imposed upon any other species of personal property. The exact condition of their affairs, verified by oath, is regularly published, thus placing them within easy reach of assessor and collector. Were like knowledge of the existence, location and ownership of other kinds of personal property attainable, it would, doubtless, go upon the assessment roll and thus relieve the discrimination which now exists, except in so far as banks are singled out, by special act, for special taxation.

The laws heretofore enacted making special provision for the taxation of bank capital, when taken to the courts for construction, have uniformly been held inoperative and void in some or all of their provisions. While this result shows the difficulty in legislating upon the subject, a careful examination of the holdings and opinions in these well-known cases will furnish a guide to proper enactment.

The necessity for a revision of our tax laws has long been felt and frequently been urged. And it is to be hoped that an equitable

distribution of the burdens of taxation will be accomplished at your present session, thus affording to the banks the full measure of relief which they ask.

Respectfully submitted,

A. B. HEPBURN,

Superintendent.

TABLES

ACCOMPANYING THE

ANNUAL REPORT OF THE SUPERINTENDENT OF
THE BANK DEPARTMENT FOR 1880.

TABLE No. 1.

Detailed statement of the securities held in trust by the Superintendent for banking associations, individual bankers and trust companies, together with statement of circulation outstanding at the close of the fiscal year ending Sept. 30, 1880.

	Bonds and mortgages.	UNITED STATES STOCKS.				N. Y. STATE STOCKS		Cash.	Total.
		Four per cent.	Four and one-half per cent.	Five per cent.	Six per cent.	Five per cent.	Six per cent.		
Deposited by banking associations and individual bankers, in compliance with Laws of 1867, 1877 and 1880.....		\$61,000	\$62,000	.....	\$37,000	.....	\$6,000	.....	\$156,000 00
Deposited by banking associations and individual bankers, for redemption of outstanding circulation.....		18,800	6,000	.....	15,000	.....	2,900	\$88,714 34	76,514 34
Held for banking associations and individual bankers, such securities being subject to surrender upon order of the owners.....	\$18,800	.....	.....	\$5,000	.....	\$6,000	.....	8,476 45	33,276 45
Total securities held for banking associations and individual bankers September 30, 1880.....	\$18,800	\$79,800	\$68,000	\$5,000	\$42,000	\$6,000	\$8,900	\$37,190 79	\$265,790 79
Names of trust companies having securities deposited with the Superintendent, in compliance with the provisions of chapter 324, Laws of 1874.....									
Buffalo Trust Company.....									
Brooklyn Trust Company.....									
Central Trust Company.....									
Farmers' Loan and Trust Company, New York city.....									
Mercantile Trust Company, New York city.....									
New York Life Insurance and Trust Company, New York city.....									
Trust and Deposit Company of Onondaga, Syracuse.....									
Union Trust Company, New York city.....									
United States Trust Company, New York city.....									
Total securities held for banking associations, individual bankers and trust companies, September 30, 1880.....	\$18,800	\$279,900	\$118,000	\$355,000	\$342,000	\$6,000	\$8,900	\$37,696 77	\$1,166,166 77

BANK DEPARTMENT.

23

Amount of secured circulation, September 30, 1879....	\$89,285 00
Amount of secured circulation, September 30, 1880 ...	65,461 00

Decrease during the year.....	<u>\$23,824 00</u>
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Amount of circulation unsecured, charged to incorporated banks, September 30, 1879	\$337,579 00
Amount of circulation unsecured, charged to incorporated banks, September 30, 1880	308,999 00

Decrease during the year.....	<u>\$28,580 00</u>
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Total securities held for banks, September 30, 1879....	\$485,984 63
Total securities held for banks, September 30, 1880....	265,790 79

Decrease during the year.....	<u>\$220,193 84</u>
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Decrease during the fiscal year in the several kinds of securities held for banking associations and individual bankers:

United States 4 per cent stocks.....	\$34,400 00
United States 4½ per cent stocks.....	102,000 00
United States 5 per cent stocks.....	5,000 00
United States 6 per cent stocks.....	47,000 00
New York State 6 per cent stocks.....	11,500 00
Cash	20,293 84

Net decrease in securities	<u>\$220,193 84</u>
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TABLE No. 2.

Banks doing business under the laws of the State, September 18, 1880, with the amount of circulation charged to and securities held for each on the 30th day of Sept., 1880, and not included in either of the tables referred to in the notes below.

NAME OF BANK.	Location.	Capital.	New York State 6 per cent stocks	UNITED STATES STOCKS.			Total.	Circulation.
				Four per cent.	Four and a half per cent.	Six per cent.		
Albany County Bank	Albany	\$200,000 00		\$1,000 00	\$5,000 00		\$1,000 00	
America Bank of	New York city	3,000,000 00					5,000 00	
Atlantic State Bank	Brooklyn	200,000 00		1,000 00			1,000 00	
Attica Bank of	Buffalo	200,000 00			1,000 00		1,000 00	
Baldwinsville State Bank	Baldwinsville	50,000 00					1,000 00	
Batavia Bank of	Batavia	50,000 00		1,000 00			1,000 00	
Brooklyn Bank	Brooklyn	800,000 00			5,000 00		6,000 00	
Buffalo Bank of	Buffalo	800,000 00		1,000 00			1,000 00	
Cattaraugus Bank	Niagara Falls	50,000 00		1,000 00			1,000 00	
Central Bank of Westchester County	White Plains	100,000 00		1,000 00			1,000 00	
Citizens' Bank	Waverly	50,000 00			1,000 00		1,000 00	
City Bank of Rochester	Rochester	200,000 00		1,000 00	5,000 00		6,000 00	
City Bank of Schenectady	Schenectady	100,000 00					1,000 00	
Commerce Bank of	Brooklyn	200,000 00		1,000 00			1,000 00	
Commercial Bank	Buffalo	108,000 00		1,000 00			1,000 00	
Corn Exchange Bank	New York city	1,000,000 00		1,000 00			1,000 00	
Eleventh Ward Bank	New York city	100,000 00			1,000 00		1,000 00	
Farmers' Bank	Fayetteville	50,000 00		1,000 00			1,000 00	
Fifth Avenue Bank	New York city	100,000 00			5,000 00		5,000 00	
Flushing and Queens County Bank	Flushing	100,000 00					1,000 00	
Fulton Bank	Brooklyn	200,000 00		5,000 00			5,000 00	
German Bank	Buffalo	100,000 00			1,000 00		1,000 00	
German American Bank	New York city	750,000 00		1,000 00			1,000 00	
German Exchange Bank	New York city	200,000 00		1,000 00			1,000 00	
Germania Bank	New York city	200,000 00		1,000 00			1,000 00	
Gouverneur Bank of	Gouverneur	50,000 00		1,000 00			1,000 00	
Greenwich Bank	New York city	200,000 00				\$1,000 00	1,000 00	
Henry D. Baro & Co.'s Bank	Trumansburgh	80,000 00					1,000 00	
Hornellville Bank of	Hornellsville	50,000 00		1,000 00			1,000 00	
Howell M. Reeve, Banker	Hiverhead	5,000 00		1,000 00			1,000 00	
Inland City Bank	New York city	100,000 00			1,000 00		1,000 00	
Johnstown Bank	Johnstown	50,000 00		1,000 00			1,000 00	
Long Island Bank	Brooklyn	400,000 00		1,000 00			1,000 00	
Manhattan Bank, Incorporated	New York city	2,000,000 00					1,000 00	

BANK DEPARTMENT.

Manufacturers' Bank	Cash	Deposits	Assets	Liabilities	Total
Manufacturers' Bank	106,000 00	1,000 00	1,000 00	1,000 00	1,000 00
Buffalo	900,000 00	5,000 00	5,000 00	5,000 00	5,000 00
Buffalo	200,000 00	1,000 00	1,000 00	1,000 00	1,000 00
Akron	800,000 00	5,000 00	5,000 00	5,000 00	5,000 00
Brooklyn	100,000 00	1,000 00	1,000 00	1,000 00	1,000 00
Brooklyn	100,000 00	1,000 00	1,000 00	1,000 00	1,000 00
New York city	210,000 00	1,000 00	1,000 00	1,000 00	1,000 00
New York city	300,000 00	1,000 00	1,000 00	1,000 00	1,000 00
Rochester	100,000 00	1,000 00	1,000 00	1,000 00	1,000 00
New York city	100,000 00	1,000 00	1,000 00	1,000 00	1,000 00
New York city	1,000,000 00	1,000 00	1,000 00	1,000 00	1,000 00
Syracuse	100,000 00	1,000 00	1,000 00	1,000 00	1,000 00
New York city	100,000 00	1,000 00	1,000 00	1,000 00	1,000 00
New York city	240,000 00	1,000 00	1,000 00	1,000 00	1,000 00
New York city	100,000 00	1,000 00	1,000 00	1,000 00	1,000 00
Ogdensburg	100,000 00	1,000 00	1,000 00	1,000 00	1,000 00
Utica	125,000 00	1,000 00	1,000 00	1,000 00	1,000 00
New York city	300,000 00	1,000 00	1,000 00	1,000 00	1,000 00
New York city	422,700 00	1,000 00	1,000 00	1,000 00	1,000 00
New York city	412,500 00	1,000 00	1,000 00	1,000 00	1,000 00
Phoenix	50,000 00	5,000 00	5,000 00	5,000 00	5,000 00
New York city	125,000 00	1,000 00	1,000 00	1,000 00	1,000 00
Syracuse	100,000 00	1,000 00	1,000 00	1,000 00	1,000 00
Rochester	200,000 00	1,000 00	1,000 00	1,000 00	1,000 00
Waterford	100,000 00	5,000 00	5,000 00	5,000 00	5,000 00
Schenectady	100,000 00	5,000 00	5,000 00	5,000 00	5,000 00
Schenectady	60,000 00	1,000 00	1,000 00	1,000 00	1,000 00
Shanawake	50,000 00	1,000 00	1,000 00	1,000 00	1,000 00
Chatham Village	50,000 00	5,000 00	5,000 00	5,000 00	5,000 00
Fort Edward	100,000 00	5,000 00	5,000 00	5,000 00	5,000 00
Randolph	100,000 00	1,000 00	1,000 00	1,000 00	1,000 00
Syracuse	100,000 00	5,000 00	5,000 00	5,000 00	5,000 00
Binghamton	100,000 00	1,000 00	1,000 00	1,000 00	1,000 00
Susquehanna Valley Bank*	50,000 00	1,000 00	1,000 00	1,000 00	1,000 00
Medina	200,000 00	1,000 00	1,000 00	1,000 00	1,000 00
New York city	200,000 00	1,000 00	1,000 00	1,000 00	1,000 00
White's Bank of Buffalo	200,000 00	1,000 00	1,000 00	1,000 00	1,000 00
Total	\$18,738,200 00	\$7,000 00	\$60,000 00	\$64,000 00	\$18,000 00
					\$5,432 00

NOTE.—Sixty-eight Banks reported.

*Closing circulation account under section 4, chapter 475. See table 8 or 4 for securities and circulation.

† See table No. 8.

TABLE No. 3.

Closing banks that have made a final deposit of stocks for the redemption of their notes, the names of their redeeming agents, the amount of their securities and circulation September 30, 1880, and the time when the redemption of their notes will expire.

NAME OF BANK.	Location.	Redeeming Banks.	Location.	UNITED STATES STOCKS.		Total.	Circulation.	Expiration of time for redemption.
				Four per cent.	Six per cent.			
1. Henry D. Barto & Co.'s Bank.	Trumansburgh...	First National Bank.....	Albany.....	\$400	.....	\$400	\$308	1882. June 17
2. Chemical Bank	New York city...	Chemical National Bank.....	New York city.	.....	\$25,000	15,000	10,984	1883. Aug. 23
3. People's Bank of the City of New York.....	New York city...	People's Bank of the City of New York	New York city.	8,000	.....	8,000	5,415	1885. July 2
4. Onelda County Bank.....	Utica.....	American Exchange Nat. Bank...	New York city.	4,000	.....	4,000	3,062	July 10
				\$12,400	\$15,000	\$27,400	\$19,777	

TABLE No. 4.

Closing banks that have made a final deposit of cash for the redemption of their notes, with the names of redeeming agents, the amount of cash held for, and amount of circulation charged to each, on the 30th day of September, 1880, and the expiration of time for redemption.

NAME OF BANK.	Location.	Names of Redeeming Banks.	Location.	Amount of cash on deposit.	Circulation.	Expiration of time for redemption.
5. Geo. Washington Bank.	Corning.	New York State National Bank.	Albany.	\$1,127 24	\$338 00	1880. December 29
6. Susquehanna Valley Bank.	Binghamton.	National Albany Exchange Bank.	Albany.	3,238 00	3,238 00	1881. January 8
7. Bank of Rondout.	Rondout.	New York State National Bank.	Albany.	5,000 00	5,000 00	February 26
8. Jamestown Bank.	Jamestown.	National Albany Exchange Bank.	Albany.	4,020 00	4,020 00	May 11
9. New York and Erie Bank.	Buffalo.	Merchants' National Bank.	Albany.	3,778 00	3,778 00	November 6
10. Nassau Bank.	New York city.	{ National Albany Exchange Bank { Nassau Bank.	Albany. New York city, }	8,900 00	3,900 00	1882. July 11
11. Long Island Bank.	Brooklyn.	New York State National Bank.	Albany.	6,434 00	6,434 00	1883. June 23
12. Union Bank.	Medina.	{ National Park Bank. { National Albany Exchange Bank.	New York city, { Albany.	1,000 00	1,001 00	1886. July 16
13. City Bank.	Oswego.	Albany City National Bank.	Albany.	5,211 00	5,235 00	July 24
				\$39,714 24	\$38,588 00	

TABLE No. 5.

Closing banks that do not report to the Superintendent, and have not taken measures to close their circulation account, with their securities and circulation, September 30, 1880.

NAME OF BANK.	Location.	N. Y. State six per cent stocks.	United States four per cent stocks.	Total.	Circulation.
Bank of Commerce.....	New York.....	\$1,900 00	.....	\$1,900 00	\$1,655 00
Bank of Geneva.....	Geneva.....	... ..	\$7,500 00	7,500 00	4,991 00
		\$1,900 00	\$7,500 00	\$9,400 00	\$6,646 00

TABLE No. 6.

Banks that had, on October 1, 1880, balances of cash or securities standing to their credit on the books of the Department, not required by law.

NAME.	Location.	Amount.
Bank of America	New York city.....	\$4,000 00
Brooklyn Bank.....	Brooklyn.....	4,000 00
City Bank	Schenectady.....	4,000 00
Flushing and Queens Co. Bank.	Flushing.....	4,000 00
Fulton Bank	Brooklyn.....	4,000 00
Fifth Avenue Bank	New York city.....	4,000 00
German Bank	Buffalo.....	4,000 00
Mechanics and Traders' Bank..	Brooklyn.....	4,000 00
Bank of the Metropolis.....	New York city.....	4,000 00
Manufacturers and Traders' B'k	Buffalo.....	4,000 00
Nassau Bank.....	New York city.....	4,000 00
North River Bank.....	New York city.....	4,000 00
Oriental Bank.....	New York city.....	9,000 00
People's Bank.....	New York city.....	4,000 00
Phoenix Bank.....	Phoenix.....	4,000 00
Randall Bank.....	Cortland.....	33,276 45
Saratoga County Bank.....	Waterford.....	4,000 00
Schenectady Bank.....	Schenectady.....	4,000 00
State Bank.....	Fort Edward.....	4,000 00
State Bank	Randolph.....	4,000 00
Susquehanna Valley Bank	Binghamton	4,000 00
West Side Bank	New York city.....	4,000 00
		\$122,276 45

TABLE No. 7.

Incorporated banks that have advertised the redemption of their notes under the provisions of chapter 585, Laws of 1873, with amount of circulation charged to each, the name of redeeming agent, and the expiration of time for redemption.

Rochester City Bank, formerly located at Rochester, redeems at Merchants' National Bank of Albany. Outstanding circulation \$13,-179, the time for the redemption of which will expire March 24, 1881.

TABLE No. 8.

Incorporated banks whose circulation is not secured and have not advertised their final redemption, together with the amount of the same on the 30th of September, 1880. The charters of these banks, excepting that of the Manhattan Company, have expired.

Chemung Canal Bank	\$13,506 00
Delaware and Hudson Canal Company	705 00
Livingston County Bank.....	9,300 00
Manhattan Company (see table No. 2).....	262,562 00
Onondaga County Bank	9,747 00
	\$295,820 00

TABLE No. 9.

An alphabetical list of the banks, having circulation, mentioned in the preceding tables, with the names and locations of their respective redeeming agents.

[The numbers in the margin refer to banks that have advertised the final redemption of their notes, published in tables 3, 4 and 7, preceding.]

	NAME OF BANK.	Redeeming Banks.	Location.
3	Chemical Bank	Chemical National Bank.....	New York.
	Chemung Canal Bank, incorporated.	Mercantile National Bank	New York.
13	City Bank of Oswego	Albany City National Bank.....	Albany.
	Commerce in New York, Bank of ..	National Bank of Commerce.....	New York.
	Del. and Hudson Canal Co., incorp..		
	Geneva, Bank of	Mechanics and Farmers' Bank.....	Albany.
5	Geo. Washington Bank	New York State National Bank	Albany.
1	Henry D. Barto & Co.'s Bank.....	First National Bank	Albany.
8	Jamestown Bank	National Albany Exchange Bank...	Albany.
	Livingston County Bank, incorp.	New York State National Bank	Albany.
11	Long Island Bank	do do do	Albany.
	Manhattan Company, incorporated.	Manhattan Company.....	New York.
	Mechanics' Bank, Brooklyn	Mechanics' Bank	Brooklyn.
10	Nassau Bank, New York.....	National Albany Exchange Bank...	Albany.
	New York and Erie Bank	Nassau Bank.....	New York.
9	Onondaga County Bank	Merchants' National Bank	Albany.
4	Onondaga County Bank, incorp.....	American Exchange National Bank	New York.
3	People's Bank, New York.....	New York State National Bank	Albany.
	Rochester City Bank, incorporated..	People's Bank.....	New York.
7	Rondout, Bank of	New York State National Bank	Albany.
6	Susquehanna Valley Bank	do do do	Albany.
12	Union Bank of Medina.....	National Albany Exchange Bank	Albany.
		Adams, Kimball & Moore.....	New York.

TABLE No. 10.

Statement showing the number and denominations of the notes returned and destroyed during the year ending September 30, 1880.

FREE BANKS.		
No. of Notes.	Denomination.	Amount.
93	1	\$93
22	2	44
7	3	21
50	5	250
14	10	140
1	20	20
5	50	250
192		\$818
INCORPORATED BANKS.		
1	2	\$2

TABLE No. 11.

Banks whose notes were advertised subsequent to the passage of chapter 236, Laws of 1859, to be redeemed under the provisions of that act or of chapter 331, Laws of 1850, or of chapter 362, Laws of 1864, or of chapters 585 and 541, Laws of 1873, and the time for the redemption of which has expired.

NAMES OF BANKS.	Location.	When time for redemption expired.
Addison Bank.....	Addison.....	September 1, 1871
Albany, Bank of.....	Albany.....	December 12, 1867
Albany City Bank, Incorporated.....	Albany.....	June 12, 1877
Albany Exchange Bank.....	Albany.....	September 14, 1873
Albion, Bank of.....	Albion.....	May 17, 1873
Alonso Wood & Co.'s Bank.....	Elbridge.....	January 11, 1873
America, Bank of, Incorporated.....	New York.....	March 12, 1874
America, Bank of.....	New York.....	March 12, 1874
American Exchange Bank.....	New York.....	June 20, 1871
Amsterdam, Bank of.....	Amsterdam.....	January 18, 1874
Artisans' Bank.....	New York.....	December 5, 1867
Atlantic Bank, Incorporated.....	Brooklyn.....	April 4, 1876
Atlantic Bank.....	New York.....	October 29, 1872
Attica, Bank of.....	Buffalo.....	June 28, 1878
Auburn, Bank of.....	Auburn.....	March 25, 1874
Auburn, Bank of, Incorporated.....	Auburn.....	June 16, 1877
Auburn City Bank.....	Auburn.....	August 26, 1873
Auburn Exchange Bank.....	Auburn.....	February 20, 1874
Ballston Spa Bank.....	Ballston.....	May 24, 1873
Bank of the State of New York, Incorp'd.....	New York.....	March 18, 1880
Bath, Bank of.....	Bath.....	April 18, 1874
Bellinger Bank.....	Brooklyn.....	June 1, 1873
Binghamton, Bank of.....	Binghamton.....	March 27, 1873
Black River Bank.....	Watertown.....	February 24, 1874
Bowery Bank.....	New York.....	March 11, 1869
Briggs' Bank.....	Clyde.....	April 20, 1873
Broadway Bank.....	New York.....	January 22, 1880
Brookport Exchange Bank.....	Brookport.....	May 7, 1868
Brooklyn Bank.....	Brooklyn.....	March 30, 1877

TABLE No. 11 — (Continued.)

NAMES OF BANKS.	Location.	When time for redemption expired.	
Brooklyn Bank, Incorporated.....	Brooklyn.....	May	1, 1880
Broome County Bank, Incorporated.....	Binghamton.....	June	10, 1877
Broome County Bank.....	Binghamton.....	August	6, 1875
Buffalo City Bank.....	Buffalo.....	December	18, 1872
Bull's Head Bank.....	New York.....	December	18, 1875
Burnet Bank.....	Syracuse.....	January	11, 1873
Butchers and Drovers' Bank.....	New York.....	December	24, 1872
Butchers and Drovers' Bank, Incorporated.....	New York.....	May	30, 1877
Cambridge Valley Bank.....	North White Creek.....	November	15, 1873
Canajoharie Bank.....	Canajoharie.....	October	9, 1874
Canandaigua Bank of.....	Canandaigua.....	October	30, 1873
Canastota Bank.....	Canastota.....	February	7, 1874
Canton Bank of.....	Canton.....	December	30, 1873
Capitol Bank of the.....	Albany.....	December	14, 1867
Cataact Bank.....	Lockport.....	November	15, 1867
Catskill Bank of.....	Catskill.....	March	15, 1877
Cayuga County Bank, Incorporated.....	Auburn.....	March	9, 1874
Cayuga County Bank.....	Auburn.....	March	9, 1874
Cayuga Lake Bank of.....	Painted Post.....	June	12, 1877
Cazenovia Bank of.....	Cazenovia.....	February	6, 1873
Central Bank.....	Brooklyn.....	October	31, 1877
Central Bank.....	Cherry Valley.....	August	29, 1873
Central Bank, Incorporated.....	Cherry Valley.....	September	27, 1875
Central Bank.....	Troy.....	June	7, 1873
Central City Bank (formerly Crouse Bank).....	Syracuse.....	October	20, 1873
Central New York Bank of.....	Utica.....	March	31, 1868
Chatham Bank.....	New York.....	April	23, 1872
Chautauqua County Bank.....	Jamestown.....	November	5, 1872
Chautauqua County Bank, Incorporated.....	Jamestown.....	August	1, 1875
Chemical Manufacturing Co.'s Bank, Incor.....	New York.....	August	10, 1875
Chemung Bank of.....	Elmira.....	February	21, 1876
Chenango Bank of.....	Norwich.....	April	5, 1875
Chester Bank.....	Chester.....	April	10, 1873
Chittenango Bank.....	Chittenango.....	June	14, 1873
Citizens' Bank.....	Fulton.....	September	15, 1872
Citizens' Bank.....	New York.....	April	23, 1872
City Bank.....	Brooklyn.....	November	9, 1874
City Bank.....	Poughkeepsie.....	October	14, 1874
City Bank, Incorporated.....	New York.....	July	19, 1875
Clinton Bank.....	Buffalo.....	May	17, 1871
Cohoes Bank of.....	Cohoes.....	July	16, 1873
Columbia Bank.....	Chatham Four Corners.....	March	2, 1873
Commercial Bank.....	Albany.....	January	27, 1878
Commercial Bank.....	Clyde.....	April	16, 1873
Commercial Bank.....	Glen's Falls.....	March	8, 1873
Commercial Bank.....	Rochester.....	May	12, 1874
Commercial Bank.....	Saratoga Springs.....	October	29, 1873
Commercial Bank.....	Troy.....	December	21, 1870
Commercial Bank.....	Whitehall.....	April	22, 1873
Commerce Bank of Putnam County.....	Carmel.....	April	3, 1873
Commonwealth Bank of the.....	New York.....	June	21, 1872
Continental Bank.....	New York.....	May	6, 1879
Cooperstown Bank of.....	Cooperstown.....	May	3, 1877
Corn Exchange Bank.....	New York.....	March	28, 1874
Corning Bank of.....	Corning.....	June	2, 1866
Coxsackie Bank of.....	Coxsackie.....	November	7, 1872
Croton River Bank.....	Southeast.....	February	1, 1872
Cuba Bank.....	Cuba.....	August	15, 1876
Cuyler's Bank.....	Palmyra.....	May	24, 1873
Danaville Bank.....	Danaville.....	August	7, 1873
Delaware Bank.....	Delhi.....	February	19, 1876
Deposit Bank.....	Deposit.....	July	29, 1874
Dover Plains Bank.....	Dover.....	November	8, 1872
East River Bank.....	New York.....	April	23, 1872
Elmira Bank.....	Elmira.....	September	5, 1872
Exchange Bank.....	Lockport.....	November	1, 1875
E. S. Rich's Bank of Exchange.....	Buffalo.....	April	23, 1873
Falkill Bank.....	Poughkeepsie.....	April	24, 1873
Farmers' Bank.....	Amsterdam.....	January	18, 1874
Farmers' Bank.....	Hudson.....	November	9, 1872
Farmers' Bank.....	Lansingburgh.....	August	19, 1871
Farmers' Bank.....	Troy.....	December	12, 1872
Farmers' Bank, Incorporated.....	Troy.....	September	20, 1873
Farmers' Bank of Attica.....	Batavia.....	August	13, 1873
Farmers' Bank of Saratoga County.....	Crescent.....	January	24, 1866
Farmers' Bank, Washington County.....	Fort Edward.....	September	17, 1873

BANK DEPARTMENT.

33

TABLE No. 11—(Continued.)

NAMES OF BANKS.	Location.	When time for redemption expired.
Farmers and Citizens' Bank, Long Island.	Brooklyn.	November 1, 1872
Farmers and Drovers' Bank.	Somers.	March 2, 1875
Farmers and Manufacturers' Bank.	Poughkeepsie.	October 22, 1874
Farmers and Manufacturers' Bank, Incor.	Poughkeepsie.	October 22, 1874
Farmers and Mechanics' Bank of Genesee.	Buffalo.	February 20, 1874
Farmers and Mechanics' Bank.	Rochester.	May 16, 1873
Fayetteville, Bank of.	Fayetteville.	September 12, 1872
Fishkill, Bank of.	Fishkill.	June 9, 1874
Flour City Bank.	Rochester.	April 19, 1873
Fort Edward, Bank of.	Fort Edward.	January 18, 1874
Fort Plain Bank.	Fort Plain.	August 9, 1872
Fort Stanwix Bank.	Rome.	November 16, 1873
Frankfort Bank.	Frankfort.	March 12, 1873
Fredonia Bank.	Fredonia.	August 10, 1873
Frontier Bank.	Potsdam.	February 10, 1874
Fulton Bank.	New York.	October 7, 1875
Fulton County Bank.	Gloversville.	March 8, 1873
Genesee, Bank of, Incorporated.	Batavia.	October 13, 1865
Genesee, Bank of.	Batavia.	January 28, 1873
Genesee County Bank.	Le Roy.	August 11, 1872
Genesee River Bank.	Mount Morris.	November 17, 1872
Genesee Valley Bank.	Genesee.	January 13, 1874
Glen's Falls Bank.	Glen's Falls.	October 18, 1872
Goshen Bank.	Goshen.	December 31, 1879
Greenwich Bank.	New York.	October 30, 1879
Greenwich Bank, Incorporated.	New York.	August 1, 1880
Grocers' Bank.	New York.	January 15, 1873
Hampden Bank.	North Castle.	June 27, 1873
Hamilton Bank.	Hamilton.	July 25, 1873
Hanover Bank.	New York.	February 28, 1876
Havana Bank.	Havana.	June 7, 1873
Herkimer County Bank.	Little Falls.	October 10, 1874
Herkimer County Bank, Incorporated.	Little Falls.	April 4, 1878
H. G. Hotchkiss & Co.'s Bank.	Lyons.	June 13, 1880
Highland Bank.	Newburgh.	April 18, 1873
Highland Bank, Incorporated.	Newburgh.	April 18, 1873
H. J. Messenger's Bank.	Cortland.	February 12, 1874
H. J. Miner's Bank of Utica.	Fredonia.	March 11, 1867
H. J. Miner & Co.'s Bank.	Dunkirk.	February 11, 1875
Hollister's Bank.	Buffalo.	May 2, 1865
Hollis, White & Co.'s Bank.	Niagara Falls.	September 11, 1867
Hornellsville, Bank of.	Hornellsville.	May 23, 1865
Hope Bank.	Albany.	April 6, 1877
Hudson River Bank.	Hudson.	March 9, 1873
Hudson River Bank, Incorporated.	Hudson.	August 20, 1875
Huguenot Bank.	New Paltz.	November 8, 1873
Hungerford's Bank.	Adams.	May 19, 1874
Ilion Bank.	Ilion.	June 10, 1874
Importers and Traders' Bank.	New York.	June 10, 1871
Interior, Bank of the.	Albany.	September 11, 1861
International Bank.	Buffalo.	August 15, 1873
Iron Bank.	Plattsburg.	June 1, 1873
Irving Bank.	New York.	October 29, 1872
J. A. Clark & Co.'s Bank.	Pulaski.	May 1, 1873
Jefferson County Bank.	Watertown.	November 20, 1874
Jefferson County Bank, Incorporated.	Watertown.	July 23, 1877
J. N. Hungerford's Bank.	Corning.	June 3, 1873
J. N. Westfall & Co.'s Bank.	Jordan.	June 10, 1874
J. T. Raplee's Bank.	Penn Yan.	December 24, 1872
Joshua Pratt & Co.'s Bank.	Sherburne.	March 20, 1874
Judson Bank.	Ogdensburg.	June 19, 1873
J. W. Rumsey & Co.'s Bank.	Tarrytown.	December 12, 1867
Kent, Bank of.	Ludingtonville.	March 5, 1873
Kinderhook, Bank of.	Kinderhook.	October 6, 1872
Kingston Bank, Incorporated.	Kingston.	February 21, 1879
Knickerbocker Bank.	New York.	July 6, 1867
Lake Bank.	Skaneateles.	January 24, 1878
Lake Mahopac Bank.	Mahopac.	February 29, 1866
Lake Ontario Bank.	Oswego.	October 16, 1873
Lake Shore Bank.	Dunkirk.	February 8, 1874
Lansingburgh, Bank of.	Lansingburgh.	May 1, 1873
Lansingburgh, Bank of, Incorporated.	Lansingburgh.	May 1, 1873
Leather Manufacturers' Bank, Incorporated.	New York.	July 22, 1870
Leonardsville Bank.	Leonardsville.	July 26, 1873
Lima, Bank of.	Lima.	December 13, 1872
Lincoln Bank.	Clinton.	October 20, 1873
Lockport City Bank.	Lockport.	June 2, 1875

TABLE No. 11 — (Continued.)

NAMES OF BANKS.	Location.	When time for redemption expired.	
Long Island Bank, Incorporated.....	Brooklyn.....	July	17, 1879
Lowville, Bank of.....	Lowville.....	January	21, 1875
Luther Wright's Bank.....	Oswego.....	May	23, 1865
Lyons Bank.....	Lyons.....	May	24, 1875
Madison County Bank, Incorporated.....	Cazenovia.....	April	2, 1868
Malone, Bank of.....	Malone.....	April	9, 1874
Manufacturers' Bank.....	N. Y. (form'ly Brooklyn)	March	22, 1873
Manufacturers' Bank.....	Troy.....	October	7, 1871
Manufacturers and Merchants' Bank.....	New York.....	September	16, 1878
Manufacturers and Traders' Bank.....	Buffalo.....	May	1, 1874
Marine Bank.....	Buffalo.....	October	28, 1873
Marine Bank.....	Oswego.....	October	6, 1872
Marine Bank.....	New York.....	May	26, 1871
Market Bank.....	New York.....	April	23, 1872
Market Bank.....	Troy.....	January	31, 1872
Mechanics' Bank.....	New York.....	September	7, 1873
Mechanics' Bank, Incorporated.....	New York.....	December	14, 1877
Mechanics' Bank.....	Syracuse.....	November	19, 1872
Mechanics' Banking Association.....	New York.....	April	6, 1871
Mechanics and Farmers' Bank.....	Albany.....	December	28, 1872
Mechanics and Farmers' Bank, Incorp.....	Albany.....	December	28, 1872
Mechanics and Traders' Bank.....	New York.....	October	12, 1874
Mechanics and Traders' Bank, Incorp.....	New York.....	October	12, 1874
Medina Bank.....	Medina.....	January	12, 1868
Mercantile Bank.....	New York.....	April	14, 1872
Mercantile Bank.....	Plattsburgh.....	June	23, 1872
Mercantile Bank.....	Albany.....	September	15, 1872
Mercantile Bank.....	Poughkeepsie.....	June	25, 1873
Mercantile Bank.....	Syracuse.....	January	29, 1873
Mercantile Bank.....	Westfield.....	January	11, 1873
Mercantile Bank, Incorporated.....	New York.....	December	11, 1869
Mercantile Bank.....	New York.....	October	3, 1871
Mercantile Bank of Erie County.....	Lancaster.....	April	30, 1870
Mercantile Exchange Bank.....	New York.....	October	9, 1872
Mercantile Exchange Bank, Incorporated.....	New York.....	March	9, 1871
Mercantile and Farmers' Bank.....	Ithaca.....	October	31, 1872
Mercantile and Mechanics' Bank.....	Troy.....	June	29, 1872
Mercantile and Mechanics Bank, Incorp.....	Troy.....	June	29, 1872
Metropolitan Bank.....	New York.....	March	14, 1873
Middletown Bank.....	Middletown.....	October	24, 1874
Mohawk Bank.....	Schenectady.....	May	22, 1873
Mohawk Bank, Incorporated.....	Schenectady.....	July	17, 1875
Mohawk River Bank.....	Fonda.....	November	5, 1874
Mohawk Valley Bank.....	Mohawk.....	April	25, 1874
Monroe Bank of Rochester.....	Cuba.....	December	21, 1865
Monroe County Bank.....	Rochester.....	September	11, 1873
Montgomery County Bank.....	Johnstown.....	December	16, 1873
Mutual Bank.....	Troy.....	January	8, 1874
Nassau Bank.....	Brooklyn.....	May	24, 1874
National Bank, Incorporated.....	New York.....	June	3, 1871
National Bank of Albany.....	Albany.....	December	18, 1867
National Bank.....	New York.....	April	23, 1873
Newark, Bank of.....	Newark.....	November	11, 1874
Newburgh, Bank of, Incorporated.....	Newburgh.....	June	4, 1875
New York, Bank of.....	New York.....	April	25, 1872
New York, Bank of, Incorporated.....	New York.....	April	27, 1872
Newburgh, Bank of.....	Newburgh.....	May	3, 1873
Newport, Bank of.....	Newport.....	March	13, 1873
New York County Bank.....	New York.....	September	22, 1872
New York Dry Dock Company, Incorp.....	New York.....	July	21, 1879
New York Exchange Bank.....	New York.....	June	7, 1871
New York State Bank.....	Albany.....	December	28, 1872
New York State Bank, Incorporated.....	Albany.....	December	28, 1872
Niagara County Bank.....	Lockport.....	June	14, 1873
North America, Bank of.....	New York.....	March	24, 1872
North River Bank.....	New York.....	December	31, 1872
Norwich, Bank of.....	Norwich.....	July	9, 1873
Ocean Bank.....	New York.....	April	28, 1872
Ogdensburg Bank, Incorporated.....	Ogdensburg.....	July	28, 1875
Old Saratoga, Bank of.....	Schuylerville.....	October	19, 1872
Oliver Lee & Co.'s Bank.....	Buffalo.....	June	20, 1865
Oneida Bank, Incorporated.....	Utica.....	June	10, 1875
Oneida Central Bank.....	Rome.....	October	1, 1873
Oneida Valley Bank.....	Oneida.....	May	5, 1874
Onondaga Bank.....	Syracuse.....	January	8, 1867
Ontario, Bank of.....	Canandaigua.....	February	8, 1874
O. Paddock & Co.'s Bank.....	Watertown.....	February	16, 1875

TABLE No. 11—(Continued.)

NAMES OF BANKS.	Location.	When time for redemption expired.
Orange County, Bank of.....	Goshen.....	November 29, 1879
Orange County, Bank of, Incorporated.....	Goshen.....	December 5, 1875
Orangetown, Bank of.....	Orangetown.....	October 26, 1872
Oriental Bank*.....	New York.....	April 9, 1876
Orleans County Bank.....	Albion.....	May 14, 1878
Oswegatchie Bank.....	Ogdensburg.....	July 15, 1873
Oswego River Bank.....	Fulton.....	July 6, 1872
Otego, Bank of.....	Otego.....	August 25, 1879
Otego County Bank.....	Cooperstown.....	July 18, 1874
Otego County Bank, Incorporated.....	Cooperstown.....	June 26, 1878
Owego, Bank of, Incorporated.....	Owego.....	May 8, 1874
Pacific Bank.....	New York.....	May 1, 1872
Palisade Bank.....	Yonkers.....	April 9, 1874
Park Bank.....	New York.....	June 11, 1872
Pawling, Bank of.....	Pawling.....	November 23, 1872
Perrin Bank.....	Rochester.....	May 6, 1876
Phoenix Bank.....	New York.....	April 25, 1872
Phoenix Bank, Incorporated.....	New York.....	April 26, 1872
Port Byron, Bank of.....	Port Byron.....	March 1, 1873
Port Jervis, Bank of.....	Port Jervis.....	May 13, 1874
Poughkeepsie, Bank of.....	Poughkeepsie.....	September 19, 1874
Poughkeepsie, Bank of, Incorporated.....	Poughkeepsie.....	September 19, 1874
Powell Bank.....	Newburgh.....	November 2, 1866
Pres't, Directors and Co. of the Ontario Bk.	Utica.....	December 7, 1866
P. K. Westfall's Bank.....	Lyons.....	January 1, 1875
Pulaski Bank.....	Pulaski.....	July 20, 1869
Putnam Valley Bank.....	Putnam Valley.....	May 24, 1865
Q. W. Wellington & Co.'s Bank.....	Corning.....	June 3, 1873
Quassaic Bank.....	Newburgh.....	March 25, 1874
Randall Bank*.....	Cortland.....	January 23, 1876
Rensselaer County Bank.....	Lansingburgh.....	July 18, 1878
Republic, Bank of the.....	New York.....	July 18, 1879
Rhinebeck, Bank of.....	Rhinebeck.....	August 21, 1872
R. M. Goddard & Co.'s Bank.....	Canton.....	March 14, 1872
R. L. Ingersoll & Co.'s Bank.....	Pulaski.....	July 16, 1873
Rochester Bank.....	Rochester.....	May 8, 1873
Rochester Exchange Bank.....	Rochester.....	February 11, 1880
Rockland County Bank.....	Nyack.....	April 4, 1873
Rome, Bank of, Incorporated.....	Rome.....	June 6, 1873
Rome Exchange Bank.....	Rome.....	September 28, 1872
St. Nicholas Bank.....	New York.....	June 26, 1871
Salem, Bank of.....	Salem.....	September 12, 1872
Salina, Bank of, Incorporated.....	Syracuse.....	February 11, 1874
Salt Springs Bank.....	Syracuse.....	January 3, 1873
Saratoga County Bank*.....	Waterford.....	April 30, 1873
Saratoga County Bank, Incorporated.....	Waterford.....	June 30, 1879
Saratoga Springs, Bank of.....	Saratoga Springs.....	January 20, 1872
Saugerties Bank.....	Saugerties.....	November 9, 1874
Schenectady Bank.....	Schenectady.....	October 26, 1874
Schenectady Bank, Incorporated.....	Schenectady.....	March 17, 1878
Schoharie County Bank.....	Schoharie.....	October 12, 1874
Seneca County Bank, Incorporated.....	Waterloo.....	July 14, 1875
Seneca Falls, Bank of.....	Seneca Falls.....	March 30, 1873
Setauket Bank.....	Setauket.....	January 2, 1873
Seventh Ward Bank, Incorporated.....	New York.....	August 29, 1870
Shoe and Leather Bank.....	New York.....	October 16, 1872
Silver Creek, Bank of.....	Silver Creek.....	September 19, 1877
Sing Sing, Bank of.....	Sing Sing.....	March 1, 1867
Smith's Bank of Perry.....	Mount Morris.....	November 3, 1872
Spraker Bank.....	Canajoharie.....	June 24, 1874
State Bank.....	Saugerties.....	March 16, 1866
State Bank.....	Troy.....	September 13, 1872
State of New York Bank.....	Kingston.....	June 19, 1878
Steuben County Bank, Incorporated.....	Bath.....	June 30, 1874
Steuben County Bank.....	Bath.....	January 16, 1873
Stissing Bank.....	Pine Plains.....	August 15, 1873
Suffolk County Bank.....	Sag Harbor.....	April 30, 1873
Syracuse, Bank of.....	Syracuse.....	February 11, 1874
Syracuse City Bank.....	Syracuse.....	January 28, 1874
Tanners' Bank.....	Catskill.....	June 21, 1873
Tanners' Bank, Incorporated.....	Catskill.....	June 21, 1873
Tioga, Bank of.....	Owego.....	May 8, 1874
T. O. Grannis & Co.'s Bank.....	Utica.....	February 9, 1876
Tompkins County Bank, Incorporated.....	Ithaca.....	November 14, 1875
Traders' Bank (formerly Manufacturers' Bank and Eagle Bank).....	Rochester.....	October 19, 1874

* See table No. 6.

TABLE No. 11 — (Continued.)

NAMES OF BANKS.	Location.	When time for re- demption expired.
Tradesmen's Bank.....	New York.....	February 6, 1872
Tradesmen's Bank, Incorporated.....	New York.....	July 23, 1873
Troy, Bank of.....	Troy.....	December 12, 1872
Troy, Bank of, Incorporated.....	Troy.....	September 20, 1878
Troy City Bank, Incorporated.....	Troy.....	February 20, 1873
Trumansburgh, Bank of.....	Trumansburgh.....	June 14, 1871
Ulater, Bank of.....	Saugerties.....	October 20, 1872
Ulster County Bank.....	Kingston.....	October 27, 1874
Ulster County Bank, Incorporated.....	Kingston.....	October 27, 1874
Unadilla Bank.....	Unadilla.....	May 12, 1874
Union Bank, Incorporated.....	New York.....	June 15, 1870
Union Bank.....	Albany.....	March 20, 1872
Union Bank.....	Kinderhook.....	October 16, 1872
Union Bank.....	New York.....	February 23, 1874
Union Bank.....	Rochester.....	November 25, 1873
Union Bank, Sullivan County.....	Monticello.....	July 18, 1873
Union Bank.....	Troy.....	April 30, 1874
Union Bank.....	Watertown.....	October 15, 1873
Utica, Bank of.....	Utica.....	April 25, 1874
Utica and Branch, Bank of, Incorporated.....	Utica.....	June 20, 1875
Utica City Bank.....	Utica.....	May 15, 1874
Vernon, Bank of.....	Vernon.....	May 16, 1874
Wallkill Bank.....	Middletown.....	March 25, 1878
Washington County Bank.....	Greenwich.....	November 19, 1872
Watertown, Bank of.....	Watertown.....	September 19, 1874
Watertown Bank and Loan Company.....	Watertown.....	March 14, 1874
Waterville, Bank of.....	Waterville.....	April 8, 1873
Waverly Bank.....	Waverly.....	February 25, 1873
Weedsport Bank.....	Weedsport.....	August 6, 1873
Westchester County Bank.....	Peekskill.....	November 12, 1878
Westchester County Bank, Incorporated.....	Peekskill.....	April 25, 1880
Western Bank.....	Lockport.....	June 20, 1865
Westfield, Bank of.....	Westfield.....	April 15, 1874
West Troy, Bank of.....	West Troy.....	February 16, 1872
West Winfield Bank.....	West Winfield.....	May 23, 1873
Whitehall, Bank of.....	Whitehall.....	May 12, 1874
Whitehall, Bank of, Incorporated.....	Whitehall.....	April 22, 1878
Whites' Bank.....	Buffalo.....	January 29, 1874
Whitestown, Bank of.....	Whitestown.....	October 25, 1874
William Williams' Bank.....	Hastings.....	June 7, 1870
Williamsburgh City Bank.....	Williamsburgh.....	November 2, 1872
Wooster Sherman's Bank.....	New York.....	January 2, 1874
Worthington Bank.....	Cooperstown.....	October 1, 1872
Wyoming County Bank.....	Warsaw.....	June 25, 1872
Yonkers, Bank of.....	Yonkers.....	April 11, 1873

TABLE No. 12.

Account with the State Treasury as shown by the account of expenses incurred for banks and trust companies.

Balance in the State treasury, October 1, 1879, as shown by the report of the superintendent, January 13, 1880.... \$5,174 77

There was paid into the State treasury from October 1, 1879, to October 1, 1880. 4,095 19

\$9,269 96

During the same period the following sums were drawn from the State treasury:

For salaries.....	\$5,000 00	
For miscellaneous.....	630 91	
		5,630 91

Leaving a balance in the treasury, October 1, 1880.. \$3,639 05

TABLE No. 13.

DETAILED STATEMENT

OF THE

CONDITION OF THE BANKS OF THE STATE OF NEW
YORK ON SATURDAY, DECEMBER 13, 1879, MARCH 20,
1880, JUNE 12, 1880, AND SEPTEMBER 18, 1880.

ALBANY COUNTY BANK — Albany.

BENJAMIN W. WOOSTER, President.

(Organized 1871.)

JOHN TEMPLETON, Cashier.

RESOURCES.

	Statement of condition, December 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, September 12, 1880.
Loans and discounts less due from directors	\$487,845	\$517,929	\$585,381	\$526,765
Due from directors	26,200	17,175	14,631	21,981
Overdrafts	4,312	312	1,097	3,021
Due from trust companies, State, national and private banks and brokers	34,790	40,979	59,768	84,042
Real estate	36,856	36,856	36,856	36,856
Bonds and mortgages	11,825	11,825	11,775	9,275
Stocks and bonds	5,225	5,225	1,000	1,000
Specie	3,460	31,590	1,486	4,962
United States legal tender notes and circulating notes of national banks,	17,058	15,212	22,327	37,658
Cash items	16,029	21,254	24,883	16,226
Loss and expense account	4,493	1,973	4,479	2,051
Add for cents	1	4	4	2
Total resources	\$648,094	\$700,334	\$763,637	\$743,789

LIABILITIES.

Capital	\$200,000	\$200,000	\$200,000	\$200,000
Surplus fund	59,083	49,857	57,059	53,085
Due depositors on demand	348,977	431,423	417,037	463,904
Due to trust companies, State, national and private banks and brokers	40,033	19,053	89,540	26,799
Add for cents	1	1	1	1
Total liabilities	\$648,094	\$700,334	\$763,637	\$743,789

BANK OF AMERICA — New York City.

WILLIAM L. JENKINS, President.

(Organized 1862.)

ROBERT JAFFRAY, Cashier.

RESOURCES.

	Statement of condition, Dec'ber 18, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, September 18, 1880.
Loans and discounts less due from directors	\$6,748,172	\$8,580,112	\$8,023,403	\$9,183,090
Due from directors	455,000	459,000	204,000	315,000
Overdrafts	56	43	9	50
Due from trust companies, State, national and private banks and brokers	280,368	147,787	215,607	208,461
Real estate	159,000	159,000	159,000	159,000
Stocks and bonds	1,161,562	5,000	5,000	5,000
Specie	899,850	1,300,193	2,944,609	2,023,235
United States legal tender notes and circulating notes of national banks	409,900	234,211	496,707	311,480
Cash items	2,071,010	1,601,749	1,475,615	2,300,212
Loss and expense account	69,165	13,089	32,182	12,644
Assets not included in either of the above heads.	.....	10,500	6,958	6,958
Add for cents	2	2	3	2
Total resources	\$12,254,085	\$12,460,686	\$13,563,093	\$14,523,132

LIABILITIES.

	Statement of condition, Dec'ber 18, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, September 18, 1880.
Capital	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000
Surplus fund	1,284,196	1,481,217	1,493,967	1,510,171
Undivided profits	197,100	88,168	194,496	89,085
Circulation	1,095	1,095	1,095	1,095
Due depositors on demand	6,203,009	5,617,737	6,627,219	6,398,401
Due to trust companies, State, national and private banks and brokers	1,520,491	2,205,395	2,190,003	3,412,207
Due individuals and corporations other than banks and depositors	43,220	60,360	52,891	58,780
Amount due not included in either of the above heads	4,972	6,712	3,420	53,392
Add for cents	2	2	2	1
Total liabilities	\$12,254,085	\$12,460,686	\$13,563,093	\$14,523,132

ALBANY COUNTY BANK — Albany.

BENJAMIN W. WOOSTER, President.

(Organized 1871.)

JOHN TEMPLETON, Cashier.

RESOURCES.	Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, September 13, 1880.
Loans and discounts less due from directors	\$487,845	\$517,929	\$585,381	\$526,765
Due from directors	26,200	17,175	14,631	21,981
Overdrafts	4,312	312	1,097	3,021
Due from trust companies, State, national and private banks and brokers	34,790	40,979	59,768	84,042
Real estate	36,856	36,856	36,856	36,856
Bonds and mortgages	11,825	11,825	11,775	9,275
Stocks and bonds	5,225	5,225	1,000	1,000
Specie	3,460	31,590	1,486	4,962
United States legal tender notes and circulating notes of national banks,	17,058	15,212	22,327	37,658
Cash items	16,029	21,254	24,883	16,226
Loss and expense account	4,493	1,973	4,479	2,051
Add for cents	1	4	4	2
Total resources	\$648,094	\$700,334	\$763,637	\$743,789
LIABILITIES.				
Capital	\$200,000	\$200,000	\$200,000	\$200,000
Surplus fund	59,083	49,857	57,059	53,085
Due depositors on demand	348,977	431,423	417,037	463,904
Due to trust companies, State, national and private banks and brokers	40,033	19,053	89,540	26,799
Add for cents	1	1	1	1
Total liabilities	\$648,094	\$700,334	\$763,637	\$743,789

BANK OF AMERICA — New York City.

WILLIAM L. JENKINS, President.

(Organized 1825.)

ROBERT JAFFRAY, Cashier.

RESOURCES.

	Statement of condition, December 12, 1899.	Statement of condition, March 20, 1890.	Statement of condition, June 12, 1890.	Statement of condition, September 12, 1890.
Loans and discounts less due from directors	\$6,748,172	\$8,580,112	\$8,023,403	\$9,183,090
Due from directors	455,000	459,000	204,000	315,000
Overdrafts	56	43	9	50
Due from trust companies, State, national and private banks and brokers	280,368	147,787	215,607	206,461
Real estate	159,000	159,000	159,000	159,000
Stocks and bonds	1,161,562	5,000	5,000	5,000
Specie	899,850	1,300,193	2,944,609	2,023,235
United States legal tender notes and circulating notes of national banks	409,900	234,211	496,707	311,480
Cash items	2,071,010	1,601,749	1,475,615	2,300,212
Loss and expense account	69,165	13,089	32,182	12,644
Assets not included in either of the above heads. . . . .	.....	10,500	6,958	6,958
Add for cents.	2	2	3	2
Total resources	\$12,254,085	\$12,460,686	\$13,563,093	\$14,523,132

LIABILITIES.

Capital	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000
Surplus fund	1,284,196	1,481,217	1,493,967	1,510,171
Undivided profits	197,100	88,168	194,496	89,085
Circulation	1,095	1,095	1,095	1,095
Due depositors on demand	6,203,009	5,617,737	6,627,219	6,398,401
Due to trust companies, State, national and private banks and brokers	1,550,491	2,205,395	2,190,003	3,412,207
Due individuals and corporations other than banks and depositors	43,220	60,360	52,891	58,780
Amount due not included in either of the above heads.	4,972	6,712	3,420	53,392
Add for cents.	2	2	2	1
Total liabilities	\$12,254,085	\$12,460,686	\$13,563,093	\$14,523,132

ATLANTIC STATE BANK — Brooklyn.

GEORGE S. PUFFER, President.

(Organized 1873.)

OLIVER M. DENTON, Cashier.

RESOURCES.

	Statement of condition, December 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, September 18, 1880.
Loans and discounts less due from directors	\$655,220	\$723,001	\$767,494	\$791,807
Due from directors	34,070	50,585	54,721	31,416
Due from trust companies, State, national and private banks and brokers	302,647	151,723	127,489	56,957
Real estate	25,000	25,000	25,000	25,000
Stocks and bonds	11,000	11,000	12,073	9,086
Specie	7,870	9,709	11,172	7,088
United States legal tender notes and circulating notes of national banks	32,386	39,438	44,121	42,381
Cash items	1,816	1,419	2,657	2,709
Loss and expense account	5,538	11,470	2,323	8,037
Add for cents	2	2	3	3
Total resources	\$1,075,549	\$1,023,347	\$1,047,053	\$974,484

LIABILITIES.

Capital	\$200,000	\$200,000	\$200,000	\$200,000
Surplus fund	40,000	50,000	70,000	80,000
Undivided profits	23,989	42,382	19,229	39,091
Due depositors on demand	777,284	714,983	747,282	647,544
Due to trust companies, State, national and private banks and brokers	84,226	15,980	10,490	7,848
Amount due not included in either of the above heads	50	.....	50	.....
Add for cents	2	2	2	1
Total liabilities	\$1,075,549	\$1,023,347	\$1,047,053	\$974,484

BANK OF ATTICA — Buffalo.

G. BARRETT RICH, *President.*

(Organized 1880.)

F. L. DANFORTH, *Cashier.*

RESOURCES.

	Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, September 18, 1880.
Loans and discounts less due from directors	\$896, 288	\$906, 441	\$1, 142, 302	\$1, 221, 676
Overdrafts	147	885	442	715
Due from trust companies, State, national and private banks and brokers	14, 170	133, 081	57, 596	110, 069
Real estate	85, 000	35, 000	35, 000	85, 000
Bonds and mortgages	700	700	700	700
Stocks and bonds	10, 500	10, 500	6, 000	1, 000
Specie	4, 726	15, 437	5, 129	4, 465
United States legal tender notes and circulating notes of national banks	16, 746	12, 558	32, 768	84, 126
Cash items	1, 387	5, 266	2, 374	4, 914
Loss and expense account	2, 281	2, 622	2, 110	1, 430
Assets not included in either of the above heads	390			2, 349
Add for cents	4	3	2	2
Total resources	\$982, 334	\$1, 122, 493	\$1, 284, 423	\$1, 416, 446

LIABILITIES.

Capital	\$250, 000	\$250, 000	\$250, 000	\$250, 000
Surplus fund	31, 741	27, 831	39, 701	33, 867
Undivided profits	17, 006	13, 754	17, 415	19, 372
Due depositors on demand	585, 899	771, 809	896, 437	949, 742
Due to trust companies, State, national and private banks and brokers	29, 588	10, 989	16, 362	63, 497
Due treasurer of the State of New York	48, 108	48, 108	64, 506	99, 966
Amount due not included in either of the above heads	20, 000			
Add for cents	2	2	2	2
Total liabilities	\$982, 334	\$1, 122, 493	\$1, 284, 423	\$1, 416, 446

BALDWINSVILLE STATE BANK — Baldwinville.

GEORGE HAWLEY, President.

(Organized 1875.)

STEPHEN S. QUIVEY, Cashier.

RESOURCES.	Statement of condition, December 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept. 18, 1880.
Loans and discounts less due from directors	\$97,665	\$102,742	\$111,022	\$111,310
Due from directors	5,299	5,124	3,556	4,264
Due from trust companies, State, national and private banks and brokers	2,668	22,428	2,764	3,586
Stocks and bonds	5,000	5,000	5,000	5,000
Specie	156	105	229	273
United States legal tender notes and circulating notes of national banks	1,744	4,727	411	627
Cash items	285	50	.....	.....
Loss and expense account.	102	1,254	106	854
Assets not included in either of the above heads	1,000	1,000	1,000	1,000
Add for cents .....	.....	2	1	2
Total resources	\$113,919	\$142,432	\$124,089	\$126,916
LIABILITIES.				
Capital	\$50,000	\$50,000	\$50,000	\$50,000
Undivided profits	3,192	5,618	4,261	6,333
Due depositors on demand	60,255	86,493	69,656	70,226
Due to trust companies, State, national and private banks and brokers	471	320	170	355
Add for cents	1	1	2	2
Total liabilities	\$113,919	\$142,432	\$124,089	\$126,916

BANK OF BATAVIA — Batavia.

JEROME ROWAN, President.

(Organized 1873.)

HOLDEN T. MILLER, Cashier.

RESOURCES.

	Statement of condition, Dec'ber 18, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept. 18, 1880.
Loans and discounts less due from directors	\$152,349	\$183,544	\$208,303	\$222,861
Due from directors	309	.....	1,000	.....
Overdrafts	1,175	600	1,234	214
Due from trust companies, State, national and private banks and brokers	15,265	24,857	11,238	21,091
Bonds and mortgages .....	.....	.....	.....	300
Stocks and bonds	20,700	20,700	16,900	16,900
Specie	1,270	1,233	2,783	3,012
United States legal tender notes and circulating notes of national banks	4,409	5,486	644	3,752
Cash items .....	.....	.....	341	.....
Assets not included in either of the above heads	1,603	1,593	1,580	1,586
Add for cents	4	2	3	2
Total resources	\$207,084	\$238,015	\$244,026	\$269,720

LIABILITIES.

Capital	\$50,000	\$50,000	\$50,000	\$50,000
Undivided profits	19,108	20,342	22,052	23,711
Due depositors on demand	137,611	167,201	170,731	194,531
Due to trust companies, State, national and private banks and brokers	363	472	1,242	1,476
Add for cents	2	.....	1	2
Total liabilities	\$207,084	\$238,015	\$244,026	\$269,720

BROOKLYN BANK — Brooklyn. (Organized 1859.)

THOMAS MESSENGER, President.

HENRY E. HUTCHINSON, Cashier.

RESOURCES.

	Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Loans and discounts less due from directors.....	\$784,256	\$968,761	\$1,019,851	\$916,747
Due from directors.....	23,219	18,664	19,514	8,259
Overdrafts.....	10	.....	20	31
Due from trust companies, State, national and private banks and brokers.....	114,503	111,341	81,387	72,014
Real estate.....	18,332	18,730	18,516	2,188
Bonds and mortgages.....	10,000	10,000	10,000	10,000
Stocks and bonds.....	235,377	179,017	179,017	179,017
Specie.....	4,200	9,229	2,277	15,408
United States legal tender notes and circulating notes of national banks,.....	80,402	78,576	69,268	111,387
Cash items.....	44,255	36,162	71,748	35,733
Loss and expense account.....	8,189	3,943	8,422	3,666
Add for cents.....	5	2	3	3
Total resources.....	\$1,322,739	\$1,434,425	\$1,480,023	\$1,354,451

LIABILITIES.

Capital.....	\$300,000	\$300,000	\$300,000	\$300,000
Surplus fund.....	92,827	91,317	91,280	81,859
Undivided profits.....	18,697	10,565	20,708	8,127
Due depositors on demand.....	895,407	1,004,537	1,051,688	950,210
Due to trust companies, State, national and private banks and brokers,.....	13,044	24,223	12,570	13,178
Amount due not included in either of the above heads.....	2,762	3,782	3,775	1,075
Add for cents.....	2	1	2	2
Total liabilities.....	\$1,322,739	\$1,434,425	\$1,480,023	\$1,354,451

BANK DEPARTMENT.

47

BANK OF BUFFALO — Buffalo.
(Organized 1873.)

SHERMAN S. JEWETT, President.

WILLIAM C. CORNWELL, Cashier.

RESOURCES.

	Statement of condition, Dec'ber 18, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Loans and discounts less due from directors	\$1,004,827	\$995,035	\$1,042,563	\$1,328,269
Overdrafts	174	54	608	594
Due from trust companies, State, national and private banks and brokers	280,699	154,047	159,566	254,712
Real estate	30,000	30,000	30,000	30,000
Stocks and bonds	35,650	89,060	82,850	85,650
Specie	1,650	5,857	5,850	3,980
United States legal tender notes and circulating notes of national banks	31,079	32,658	39,061	22,805
Cash items	3,126	4,235	6,265	2,437
Loss and expense account	5,018	4,579	1,559	.....
Assets not included in either of the above heads	2,500	2,500	.....	.....
Add for cents	3	3	2	2
Total resources	\$1,394,726	\$1,318,028	\$1,368,324	\$1,728,449

LIABILITIES.

Capital	\$300,000	\$300,000	\$300,000	\$300,000
Undivided profits	72,528	67,015	82,346	75,484
Due depositors on demand	800,977	758,153	788,398	1,107,691
Due to trust companies, State, national and private banks and brokers,	158,790	128,474	118,750	144,364
Due treasurer of the State of New York.	62,430	62,430	78,828	100,910
Amount due not included in either of the above heads	.....	1,955	.....	.....
Add for cents	1	1	2	.....
Total liabilities	\$1,394,726	\$1,318,028	\$1,368,324	\$1,728,449

CATARACT BANK — Niagara Falls.

STOUGHTON PETTERBONE, President.

(Organized 1877.)

FRANCIS R. DELANO, Cashier.

RESOURCES.

	Statement of condition, December 14, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, September 15, 1880.
Loans and discounts less due from directors.	\$119,553	\$120,891	\$122,153	\$134,148
Due from directors	3,000	1,200	1,200	340
Overdrafts	53	142	517	214
Due from trust companies, State, national and private banks and brokers,	56,418	59,203	54,316	72,317
Real estate.	13,000	13,000	13,000	13,000
Stocks and bonds	5,425	5,425	6,501	1,076
Specie	377	469	1,011	1,050
United States legal tender notes and circulating notes of national banks,	6,769	5,904	6,891	7,705
Cash items	460	132	388	166
Loss and expense account	552	85	8	79
Assets not included in either of the above heads	3,000	3,000	3,000	3,000
Add for cents	2	3	3	2
Total resources	\$208,609	\$209,454	\$208,988	\$233,097

LIABILITIES.

Capital	\$50,000	\$50,000	\$50,000	\$50,000
Undivided profits	10,147	7,429	9,470	8,018
Due depositors on demand	145,678	146,755	144,528	172,656
Due to trust companies, State, national and private banks and brokers.	2,707	5,208	4,990	2,422
Amount due not included in either of the above heads	75	.....	.....	.....
Add for cents	2	2	.....	1
Total liabilities	\$208,609	\$209,454	\$208,988	\$233,097

CENTRAL BANK OF WESTCHESTER COUNTY -- White Plains.

LEONARD MILLER, President.

(Organized 1883.)

HENRY M. RISSELL, Cashier.

RESOURCES.

	Statement of condition, Dec'ber 18, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 19, 1880.	Statement of condition, Sept'ber 18, 1880.
Loans and discounts less due from directors	\$88,355	\$130,945	\$137,950	\$135,903
Due from directors	25,125	22,900	10,950	11,100
Due from trust companies, State, national and private banks and brokers,	37,311	24,369	41,973	44,012
Real estate	16,000	15,500	15,500	15,000
Bonds and mortgages	11,000	11,000	11,000	10,000
Stocks and bonds	26,500	6,000	7,000	7,000
Specie	981	659	608	430
United States legal tender notes and circulating notes of national banks,	9,669	12,372	8,694	19,515
Cash items	1,139	2,040	2,910	1,155
Loss and expense account	1,843	864	1,833	994
Assets not included in either of the above heads	2,500	2,000	2,000	1,500
Add for cents.	3	2	3	2
Total resources.	\$220,426	\$228,651	\$240,421	\$246,611

LIABILITIES.

Capital.	\$100,000	\$100,000	\$100,000	\$100,000
Surplus fund	2,959	2,517	2,445	2,588
Undivided profits.	3,547	2,272	4,334	1,252
Due depositors on demand	107,857	121,416	124,741	141,600
Due to trust companies, State, national and private banks and brokers.	6,060	2,444	8,900	1,169
Add for cents.	3	2	1	2
Total liabilities.	\$220,426	\$228,651	\$240,421	\$246,611

CITIZENS' BANK, Waverly.

J. T. SAWYER, President.

(Organized 1874.)

L. R. MANNING, Cashier.

RESOURCES.	Statement of condition. Dec'ber 13, 1879.	Statement of condition. March 20, 1880.	Statement of condition. June 12, 1880.	Statement of condition Sept. 13, 1880.
Loans and discounts less due from directors	\$78,778	\$98,069	\$92,218	\$100,615
Due from directors	2,500	3,000	2,500	2,500
Overdrafts	2,094	465	645	2,467
Due from trust companies, State, national and private banks and brokers	18,388	8,030	4,413	23,256
Real estate	18,185	21,885	22,085	22,085
Stocks and bonds	10,322	10,322	10,322	5,000
Specie	877	2,514	2,395	3,451
United States legal tender notes and circulating notes of national banks	1,950	5,976	5,070	3,688
Cash items	2,853	379	867	1,161
Loss and expense account	2,606	112	792	1,795
Assets not included in either of the above heads	743	731	718	720
Add for cents	4	5	4	5
Total resources	\$139,300	\$151,488	\$142,029	\$166,743
LIABILITIES.				
Capital	\$50,000	\$50,000	\$50,000	\$50,000
Undivided profits	5,225	2,148	3,122	11,410
Due depositors on demand	84,075	97,172	88,906	102,514
Due to trust companies, State, national and private banks and brokers .....	.....	2,167	.....	2,818
Add for cents .....	.....	1	1	1
Total liabilities	\$139,300	\$151,488	\$142,029	\$166,743

CITY BANK OF ROCHESTER.

EZRA M. PARSONS, President.

(Organized 1873.)

CHARLES E. UPTON, Cashier.

	Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept. 18, 1880.
RESOURCES.				
Loans and discounts less due from directors.....	\$737,264	\$799,831	\$795,015	\$796,535
Due from directors.....	19,244	43,094	60,332	36,300
Overdrafts.....	4,794	359	2,900	2,240
Due from trust companies, State, national and private banks and brokers.....	53,557	86,534	62,337	74,722
Real estate.....	35,000	36,000	36,000	36,000
Bonds and mortgages.....	26,934	26,934	27,974	25,116
Stocks and bonds.....	20,870	22,970	25,280	6,740
Specie.....	3,473	2,737	4,874	4,719
United States legal tender notes and circulating notes of national banks.....	39,334	23,920	26,929	34,319
Cash items.....	19,251	15,437	29,812	22,141
Loss and expense account.....	6,308	2,986	6,259	3,288
Assets not included in either of the above heads.....	1,819	1,819	1,819	1,819
Add for cents.....	2	4	2	4
Total resources.....	\$967,850	\$1,012,625	\$1,079,533	\$1,042,943
LIABILITIES.				
Capital.....	\$200,000	\$200,000	\$200,000	\$200,000
Undivided profits.....	27,590	16,380	26,272	20,386
Due depositors on demand.....	453,278	425,027	473,804	433,139
Due to trust companies, State, national and private banks and brokers.....	2,729	7,200	3,007	3,163
Amount due not included in either of the above heads.....	284,253	364,018	376,449	386,253
Add for cents.....	.....	.....	1	2
Total liabilities.....	\$967,850	\$1,012,625	\$1,079,533	\$1,042,943

CITY BANK OF SCHENECTADY.

THOMAS W. McCAMUS, President.

(Organized 1874.)

O. S. LUFFMAN, Cashier.

RESOURCES.

	Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Loans and discounts less due from directors	\$300,157	\$307,546	\$349,091	\$295,007
Due from directors	43,110	41,276	39,846	43,325
Overdrafts	207	114	2,158	2,055
Due from trust companies, State, national and private banks and brokers	43,544	73,156	23,128	58,075
Bonds and mortgages	50,200	580	580	580
Stocks and bonds	1,611	49,850	47,450	47,400
Specie	9,211	1,075	1,825	1,684
United States legal tender notes and circulating notes of national banks	2,637	15,186	10,011	16,832
Cash items	2,141	2,711	3,800	4,634
Loss and expense account	2,500	1,196	2,264	1,253
Assets not included in either of the above heads	1	2,500	2,630	2,500
Add for cents		4	3	2
Total resources	\$455,899	\$495,194	\$482,786	\$473,277

LIABILITIES.

	Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Capital	\$100,000	\$100,000	\$100,000	\$100,000
Surplus fund	15,000	15,000	15,000	15,000
Undivided profits	15,999	6,959	14,126	9,132
Due depositors on demand	319,846	369,625	347,846	344,816
Due to trust companies, State, national and private banks and brokers	4,534	3,286	5,682	4,061
Amount due not included in either of the above heads	219	322	151	267
Add for cents	1	2	1	1
Total liabilities	\$455,899	\$495,194	\$482,786	\$473,277

BANK DEPARTMENT.

53

BANK OF COMMERCE — Buffalo.

(Organized 1873.)

R. G. STEWART, President.

H. G. NOLTON, Cashier.

RESOURCES.	Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 13, 1880.	Statement of condition, Sept'ber 13, 1880.
Loans and discounts less due from directors.....	\$1,482,335	\$1,501,372	\$1,570,395	\$1,654,747
Overdrafts.....	1,303	2,003	1,542	1,441
Due from trust companies, State, national and private banks and brokers.....	302,651	322,283	289,745	334,059
Real estate.....	4,198	4,198	.....	14,376
Stocks and bonds.....	16,000	31,600	17,000	17,000
Specie.....	12,224	5,602	14,546	10,682
United States legal tender notes and circulating notes of national banks.....	49,178	40,909	65,566	64,219
Cash items.....	10,116	12,355	6,129	10,519
Add for cents.....	3	2	3	1
Total resources.....	\$1,878,008	\$1,920,324	\$1,964,926	\$2,107,044
LIABILITIES.				
Capital.....	\$200,000	\$200,000	\$200,000	\$200,000
Surplus fund.....	100,000	120,000	120,000	120,000
Undivided profits.....	51,796	23,952	42,241	18,483
Due depositors on demand.....	1,231,530	1,295,650	1,239,758	1,463,334
Due to trust companies, State, national and private banks and brokers.....	152,883	200,924	281,730	202,691
Due treasurer of the State of New York.....	141,797	79,797	81,195	102,536
Add for cents.....	2	1	2	.....
Total liabilities.....	\$1,878,008	\$1,920,324	\$1,964,926	\$2,107,044

COMMERCIAL BANK — Brooklyn.
(Organized 1868.)

THOMAS D. HUDSON, *President.*

JOHN J. VAIL, *Cashier.*

	Statement of condition, December 18, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, September 18, 1880.
RESOURCES.				
Loans and discounts less due from directors.	\$284,284	\$294,961	\$322,707	\$362,222
Due from directors.	31,600	30,400	28,700	24,300
Overdrafts.	218	305	96	506
Due from trust companies, State, national and private banks and brokers.	19,737	3,044	4,828	10,080
Real estate.	55,194	55,194	55,194	55,194
Stocks and bonds.	23,300	23,900	18,900	18,900
Specie.	3,083	3,853	3,550	3,914
U. S. legal tender notes and circulating notes of national banks.	30,468	36,291	35,209	34,201
Cash items.	27,431	11,613	41,547	20,659
Loss and expense account.	4,294	2,705	4,894	2,106
Assets not included in either of the above heads.	3,500	3,500	3,500	3,500
Add for cents.	3	3	3	4
Total resources.	\$483,092	\$465,769	\$519,128	\$535,586
LIABILITIES.				
Capital.	\$108,000	\$108,000	\$108,000	\$108,000
Undivided profits.	27,563	24,392	28,098	25,738
Due depositors on demand.	327,084	312,809	362,827	370,196
Due to trust companies, State, national and private banks and brokers.				11,015
Due individuals and corporations other than banks and depositors.	20,000	20,000	20,000	20,000
Amount due not included in either of the above heads.	444	567	202	635
Add for cents.	1	1	1	2
Total liabilities.	\$483,092	\$465,769	\$519,128	\$535,586

CORN EXCHANGE BANK — New York City.

WILLIAM A. FALLS, President.

(Organized 1882.)

WILLIAM A. NASH, Cashier.

RESOURCES.

	Statement of condition, December 18, 1878.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, September 18, 1880.
Loans and discounts less due from directors	\$3,573,008	\$3,301,593	\$4,524,207	\$3,916,562
Due from directors	39,400	162,900	154,400	52,400
Overdrafts	270	26	158	124
Due from trust companies, State, national and private banks and brokers.	146,527	130,141	139,314	133,293
Real estate	111,876	111,876	112,203	112,203
Stocks and bonds	51,933	5,000	966	966
Specie	582,473	408,220	106,355	334,848
U. S. legal tender notes and circulating notes of national banks.	47,744	33,187	830,748	132,600
Cash items	1,334,976	1,032,705	2,000,230	1,305,150
Loss and expense account	24,546	2,659	12,253	2,465
Add for cents	4	2	3	4
Total resources	\$5,912,757	\$5,188,309	\$7,880,837	\$5,990,615

LIABILITIES.

Capital	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
Surplus fund	670,386	747,318	740,899	747,928
Undivided profits	184,255	138,052	193,898	138,888
Circulation	4,668	4,666	4,638	4,638
Due depositors on demand	3,991,832	3,066,724	5,851,311	3,985,101
Due to trust companies, State, national and private banks and brokers.	60,994	62,060	89,815	109,772
Due individuals and corporations other than banks and depositors.		167,537		
Amount due not included in either of the above heads.	620	1,950	275	4,285
Add for cents	2	2	1	3
Total liabilities	\$5,912,757	\$5,188,309	\$7,880,837	\$5,990,615

CUBA STATE BANK — Cuba.*

A. W. MINER, President.

(Organized 1876.)

S. H. MORGAN, Cashier.

RESOURCES.

	Statement of condition, December 18, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June, 1880.	Statement of condition, September, 1880.
Loans and discounts less due from directors	\$49,401	.....	.....	.....
Due from directors	22,000	.....	.....	.....
Overdrafts	2,824	.....	.....	.....
Due from trust companies, State, national and private banks and brokers	7,358	.....	.....	.....
Real estate	8,242	.....	.....	.....
Bonds and mortgages	4,640	.....	.....	.....
Stocks and bonds	5,093	.....	.....	.....
Specie	425	.....	.....	.....
U. S. legal tender notes and circulating notes of national banks	4,973	.....	.....	.....
Cash items	662	.....	.....	.....
Loss and expense account	1,277	.....	.....	.....
Add for cents	3	.....	.....	.....
Total resources	\$106,898,	.....	.....	.....

LIABILITIES.

Capital	\$50,000	.....	.....	.....
Undivided profits	2,441	.....	.....	.....
Due depositors on demand	54,457	.....	.....	.....
Add for cents	.....	.....	.....	.....
Total liabilities	\$106,898	.....	.....	.....

* Converted into a national bank.

ELEVENTH WARD BANK — New York City.

GEORGE W. QUINTARD, Vice-President.

(Organized 1867.)

CHARLES E. BROWN, Cashier.

RESOURCES.

	Statement of condition, December 12, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, September 12, 1880.
Loans and discounts less due from directors.....	\$315,019	\$339,951	\$439,806	\$398,785
Due from directors.....	21,447	23,830	27,802	33,722
Overdrafts.....	668	156	346	790
Due from trust companies, State, national and private banks and brokers.....	84,109	63,673	25,042	86,841
Real estate.....	38,690	38,500	38,500	38,500
Bonds and mortgages.....	7,573	7,573	7,573	7,573
Stocks and bonds.....	29,362	29,362	19,460	12,978
Specie.....	5,432	5,356	6,565	2,980
U. S. legal tender notes and circulating notes of national banks.....	24,935	33,810	43,950	28,738
Cash items.....	46,095	35,955	50,134	42,268
Loss and expense account.....	6,872	3,372	5,648	3,200
Add for cents.....	2	3	1	4
Total resources.....	\$580,204	\$581,541	\$664,917	\$655,329

LIABILITIES.

Capital.....	\$100,000	\$100,000	\$100,000	\$100,000
Undivided profits.....	20,818	15,589	21,706	16,800
Due depositors on demand.....	459,385	466,952	543,210	538,528
Add for cents.....	1	.....	1	1
Total liabilities.....	\$580,204	\$581,541	\$664,917	\$655,329

FARMERS' BANK — Fayetteville.
(Organized 1870.)

MYRON BANGS, *President.*FRANKLIN M. SEVERANCE, *Cashier*

	Statement of condition, December 13, 1879.	Statement of condition, March 20, 1880.	* Statement of condition, June 12, 1880.	Statement of condition, September 18, 1880.
RESOURCES.				
Loans and discounts less due from directors ..	\$62,998	\$58,502	\$63,845	\$61,109
Due from directors ..	15,126	14,750	15,530	12,050
Overdrafts ..	2,630	3,970	3,247	2,150
Due from trust companies, State, national and private banks and brokers ..	7,563	7,684	4,544	9,766
Real estate ..	21,380	21,380	21,718	22,318
Bonds and mortgages ..	3,063	3,063	3,491	2,891
Stocks and bonds ..	13,000	8,025	3,925	3,925
Specie ..	203	357	873	1,050
United States legal tender notes and circulating notes of national banks, ..	6,852	6,224	2,854	3,200
Cash items ..	563	622	.....	210
Loss and expense account ..	440	300	458	686
Add for cents ..	4	2	1-	2
Total resources ..	\$133,822	\$124,879	\$120,506	\$119,357
LIABILITIES.				
Capital ..	\$50,000	\$50,000	\$50,000	\$50,000
Surplus fund ..	10,000	10,000	10,000	10,000
Undivided profits ..	2,891	1,047	2,515	851
Due depositors on demand ..	70,930	63,560	57,991	58,505
Due to trust companies, State, national and private banks and brokers. ..	.....	271	.....	.....
Add for cents ..	1	1	.....	1
Total liabilities ..	\$133,822	\$124,879	\$120,506	\$119,357

P. VAN VOLKENBURGH, President.

FIFTH AVENUE BANK — New York City.

(Organized 1875.)

A. S. FRISSELL, Cashier.

RESOURCES.

	Statement of condition, Dec'ber 18, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 13, 1880.	Statement of condition, Sept'ber 18, 1880.
Loans and discounts less due from directors	\$1,248,118	\$1,309,867	\$1,465,730	✓ \$1,317,748
Due from directors	22,000	60,000	32,000	35,000
Overdrafts	207	30	57	939
Due from trust companies, State, national and private banks and brokers	120,604	60,786	16,561	28,595
Stocks and bonds	5,000	5,000	5,000	5,000
Specie	22,367	225,135	260,444	287,605
United States legal tender notes and circulating notes of national banks,	265,661	128,608	83,115	109,883
Cash items	74,574	70,258	48,326	102,758
Assets not included in either of the above heads	.....	5,000	7,000	.....
Add for cents	2	2	2	2
Total resources	\$1,758,533	\$1,884,486	\$1,918,235	\$1,887,530

LIABILITIES.

Capital	\$100,000	\$100,000	\$100,000	\$100,000
Surplus fund	175,241	100,000	100,000	100,000
Undivided profits	25,738	122,134	126,134	133,265
Due depositors on demand	1,423,434	1,523,754	1,570,724	1,474,080
Due to trust companies, State, national and private banks and brokers.	34,118	38,597	21,376	49,279
Amount due not included in either of the above heads	.....	.....	.....	30,904
Add for cents	2	1	1	2
Total liabilities	\$1,758,533	\$1,884,486	\$1,918,235	\$1,887,530

FLUSHING AND QUEENS COUNTY BANK — Finishing.

WILLIAM B. DRAPER, President.

(Organized 1873.)

L. M. FRANKLIN, Cashier.

RESOURCES.

	Statement of condition, Dec'ber 18, 1873.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Loans and discounts less due from directors.....	\$115,592	\$138,285	\$131,337	\$109,890
Due from directors .....	.....	6,000	9,000	9,000
Overdrafts	5	31	.....	20
Due from trust companies, State, national and private banks and brokers	1,569	8,497	467	11,332
Real estate	8,600	8,600	8,600	8,600
Stocks and bonds	54,500	54,500	54,500	81,500
Specie	1,621	1,984	1,296	1,347
United States legal tender notes and circulating notes of national banks	2,251	3,870	3,198	4,438
Cash items	1,386	2,184	791	877
Loss and expense account	7,408	5,255	5,058	4,554
Assets not included in either of the above heads	3,551	2,500	2,500	2,500
Add for cents	2	3	2	3
Total resources	\$196,285	\$231,709	\$216,749	\$234,061

LIABILITIES.

	Statement of condition, Dec'ber 18, 1873.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Capital	\$100,000	\$100,000	\$100,000	\$100,000
Undivided profits	11,330	6,734	7,277	12,382
Due depositors on demand	84,225	122,431	108,453	120,110
Due to trust companies, State, national and private banks and brokers	729	2,543	1,019	1,359
Due individuals and corporations other than banks and depositors. ....	.....	.....	.....	209
Add for cents	1	1	.....	1
Total liabilities	\$196,285	\$231,709	\$216,749	\$234,061

FULTON BANK — Brooklyn. (Organized 1870.)

JOHN WILLIAMS, President.

J. A. NEUSEN, Cashier.

RESOURCES.

Loans and discounts less due from directors	
Due from directors	
Overdrafts	
Due from trust companies, State, national and private banks and brokers	
Real estate	
Stocks and bonds	
Specie	
United States legal tender notes and circulating notes of national banks	
Cash items	
Loss and expense account	
Add for cents	

Total resources

LIABILITIES.

Capital	
Undivided profits	
Due depositors on demand	
Due to trust companies, State, national and private banks and brokers	
Due to individuals and corporations other than banks and depositors	
Amount due not included in either of the above heads	
Add for cents	

Total liabilities

BANK DEPARTMENT.

61

	Statement of condition, Dec'ber 18, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Loans and discounts less due from directors	\$622,887	\$633,556	\$619,717	\$541,494
Due from directors	61,178	84,450	139,550	185,090
Overdrafts	122		163	189
Due from trust companies, State, national and private banks and brokers	43,048	9,260	60,251	22,821
Real estate	15,130	15,130	15,130	15,130
Stocks and bonds	14,060	14,060	14,060	12,120
Specie	4,126	6,686	7,487	13,164
United States legal tender notes and circulating notes of national banks	22,868	46,509	56,628	44,199
Cash items	31,513	19,686	52,668	42,979
Loss and expense account	6,144	3,113	5,941	2,168
Add for cents	3	3	3	3
Total resources	\$821,079	\$832,453	\$971,598	\$879,357
Capital	\$200,000	\$200,000	\$200,000	\$200,000
Undivided profits	32,804	32,177	39,182	36,461
Due depositors on demand	587,597	599,518	731,953	581,254
Due to trust companies, State, national and private banks and brokers				60,001
Due to individuals and corporations other than banks and depositors				603
Amount due not included in either of the above heads				1,036
Add for cents				2
Total liabilities	\$821,079	\$832,453	\$971,598	\$879,357

GERMAN AMERICAN BANK — New York City.

H. ROCHOLL, President.

(Organized 1870.)

M. F. READING, Cashier.

RESOURCES.

	Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Loans and discounts less due from directors	\$2,146,550	\$2,055,084	\$2,239,881	\$2,290,285
Due from directors	23,823	57,000	124,000	436
Overdrafts	24	24	24	324
Due from trust companies, State, national and private banks and brokers.	283,371	141,577	158,464	136,358
Real estate	11,535	11,535	12,130	13,082
Stocks and bonds	113,896	109,339	79,292	69,900
Specie	453,644	265,075	273,434	49,077
United States legal tender notes and circulating notes of national banks	144,104	118,681	126,615	74,402
Cash items	2,245,709	1,162,458	2,115,657	1,352,844
Loss and expense account	31,181	4,506	14,957	4,965
Assets not included in either of the above heads	979	979	979	1,079
Add for cents	3	3	3	3
Total resources	\$5,454,819	\$3,926,261	\$5,145,436	\$4,440,755

LIABILITIES.

Capital	\$750,000	\$750,000	\$750,000	\$750,000
Undivided profits	88,323	68,621	96,250	82,545
Due depositors on demand	4,370,904	2,897,925	4,103,415	3,431,564
Due to trust companies, State, national and private banks and brokers.	130,360	127,422	145,686	174,956
Due individuals and corporations other than banks and depositors	110,000	80,000	.....	.....
Amount due not included in either of the above heads	5,230	2,291	50,084	1,689
Add for cents	2	2	1	1
Total liabilities	\$5,454,819	\$3,926,261	\$5,145,436	\$4,440,755

BANK DEPARTMENT.

63

F. AUG. GEORGER, President.		GERMAN BANK — Buffalo. (Organized 1871.)		EUGENE A. GEORGER, Cashier.	
RESOURCES.		Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 30, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Loans and discounts less due from directors.		\$581,336	\$657,065	\$633,340	\$720,316
Due from directors		66,000	70,500	72,000	73,000
Overdrafts		5,311	180	12,743	226
Due from trust companies, State, national and private banks and brokers.		67,881	63,467	59,213	171,470
Real estate		36,000	31,000	26,000	26,000
Bonds and mortgages		962	409	409	4 9
Stocks and bonds		6,000	6,000	6,000	5,000
Specie		4,872	3,258	6,150	6,186
United States legal tender notes and circulating notes of national banks		13,834	10,908	9,875	9,407
Cash items		9,737	2,418	3,374	1,336
Loss and expense account		6,757	3,098	6,613	2,942
Assets not included in either of the above heads		1,107	600	855	1,131
Add for cents		3	3	2	4
Total resources		\$799,800	\$848,906	\$836,574	\$1,017,427
LIABILITIES.					
Capital		\$100,000	\$100,000	\$100,000	\$100,000
Surplus fund		25,000	30,000	30,000	40,000
Undivided profits.		33,393	19,468	32,960	16,391
Due depositors on demand		457,430	490,180	482,418	627,483
Due to trust companies, State, national and private banks and brokers		43,458	97,167	57,345	32,946
Due individuals and corporations other than banks and depositors		75,574	47,147	52,509	129,944
Due treasurer of the State of New York		64,943	64,943	81,341	70,611
Amount due not included in either of the above heads.		2	1	1	50
Add for cents		2	1	1	2
Total liabilities		\$799,800	\$848,906	\$836,574	\$1,017,427

GERMAN AMERICAN BANK — New York City.

H. ROCHOLL, President.

(Organized 1870.)

M. F. READING, Cashier.

RESOURCES.

	Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 13, 1880.
Loans and discounts less due from directors	\$2, 146, 550	\$2, 055, 084	\$2, 239, 881	\$2, 290, 285
Due from directors	23, 823	57, 000	124, 000	436
Overdrafts	24	24	24	324
Due from trust companies, State, national and private banks and brokers.	283, 371	141, 577	158, 464	136, 358
Real estate	11, 535	11, 535	12, 130	13, 082
Stocks and bonds	113, 896	109, 339	79, 292	69, 900
Specie	453, 644	265, 075	273, 434	497, 077
United States legal tender notes and circulating notes of national banks	144, 104	118, 681	126, 615	74, 402
Cash items	2, 245, 709	1, 162, 458	2, 115, 657	1, 352, 844
Loss and expense account	31, 181	4, 506	14, 957	4, 965
Assets not included in either of the above heads	979	979	979	1, 079
Add for cents	3	3	3	3
Total resources	\$5, 454, 819	\$3, 926, 261	\$5, 145, 436	\$4, 440, 755

LIABILITIES.

Capital	\$750, 000	\$750, 000	\$750, 000	\$750, 000
Undivided profits	88, 323	68, 621	96, 250	82, 545
Due to depositors on demand	4, 370, 904	2, 897, 925	4, 103, 415	3, 431, 564
Due to trust companies, State, national and private banks and brokers.	130, 360	127, 422	145, 686	174, 956
Due to individuals and corporations other than banks and depositors	110, 000	80, 000	.....	.....
Amount due not included in either of the above heads	5, 230	2, 291	50, 084	1, 689
Add for cents	2	2	1	1
Total liabilities	\$5, 454, 819	\$3, 926, 261	\$5, 145, 436	\$4, 440, 755

GERMAN BANK — Buffalo.
(Organized 1871.)

F. AUG. GEORGER, *President.*

EUGENE A. GEORGER, *Cashier.*

RESOURCES.

	Statement of condition, Dec ber 13, 1899.	Statement of condition, March 20, 1899.	Statement of condition, June 15, 1899.	Statement of condition, Sept ber 18, 1899.
Loans and discounts less due from directors.....	\$581,336	\$657,065	\$633,340	\$720,316
Due from directors	66,000	70,500	72,000	73,000
Overdrafts	5,311	180	12,743	226
Due from trust companies, State, national and private banks and brokers..	67,881	63,467	59,213	171,470
Real estate	36,000	31,000	26,000	26,000
Bonds and mortgages.....	962	409	409	4 9
Stocks and bonds	6,000	6,000	6,000	5,000
Specie	4,872	3,238	6,150	6,188
United States legal tender notes and circulating notes of national banks	13,834	10,908	9,875	9,407
Cash items.....	9,737	2,418	3,374	1,336
Loss and expense account	6,757	3,098	-6,613	2,942
Assets not included in either of the above heads	1,107	600	855	1,131
Add for cents	3	3	2	4
Total resources.....	\$799,800	\$848,906	\$836,574	\$1,017,427

LIABILITIES.

	Statement of condition, Dec ber 13, 1899.	Statement of condition, March 20, 1899.	Statement of condition, June 15, 1899.	Statement of condition, Sept ber 18, 1899.
Capital	\$100,000	\$100,000	\$100,000	\$100,000
Surplus fund	25,000	30,000	30,000	40,000
Undivided profits.....	33,393	19,468	32,960	16,391
Due depositors on demand	457,430	490,180	482,418	627,483
Due to trust companies, State, national and private banks and brokers.....	43,458	97,167	57,345	32,946
Due individuals and corporations other than banks and depositors ..	75,574	47,147	52,509	129,944
Due treasurer of the State of New York	64,943	64,943	81,341	70,611
Amount due not included in either of the above heads	2	1	1	50
Add for cents	2	1	1	2
Total liabilities	\$799,800	\$848,906	\$836,574	\$1,017,427

GERMAN EXCHANGE BANK — New York City.
(Organized 1872.)

M. J. ADRIAN, President.

A. FAHS, Cashier

	Statement of condition, December 13, 1879.	Statement of condition, March 20, 1880	Statement of condition, June 12, 1880.	Statement of condition, September 18, 1880.
RESOURCES.				
Loans and discounts less due from directors	\$769,738	\$863,525	\$913,770	\$898,063
Due from directors	77,642	72,207	70,953	71,377
Due from trust companies, State, national and private banks and brokers	160,012	174,112	117,932	260,285
Real estate	62,000	62,000	62,000	62,000
Stocks and bonds	38,000	38,000	39,000	39,000
Specie	5,300	4,527	17,923	30,004
U. S. legal tender notes and circulating notes of national banks	65,653	59,287	87,509	75,895
Cash items	92,098	72,587	92,07	84,465
Loss and expense account	1,665	9,528	3,234	12,170
Assets not included in either of the above heads	4,242	3,937	651	.....
Add for cents	3	2	2	2
Total resources	\$1,276,353	\$1,359,722	\$1,404,981	\$1,532,761
LIABILITIES.				
Capital	\$200,000	\$200,000	\$200,000	\$200,000
Surplus fund	48,000	48,000	60,000	60,000
Undivided profits	16,277	30,703	7,805	23,574
Due to depositors on demand	980,353	1,046,683	1,103,459	1,212,155
Due to trust companies, State, national and private banks and brokers	5,780	7,992	6,829	10,122
Amount due not included in either of the above heads	25,942	26,342	26,887	26,908
Add for cents	1	2	1	2
Total liabilities	\$1,276,353	\$1,359,722	\$1,404,981	\$1,532,761

GERMANIA BANK — New York City.

O. SCHWARZWÄELDER, President.

(Organized 1890.)

J. A. MORSCHHAUSER, Cashier.

RESOURCES.

	Statement of condition, December 13, 1893	Statement of condition, March 20, 1890.	Statement of condition, June 12, 1890.	Statement of condition, September 18, 1890.
Loans and discounts less due from directors.....	\$832,429	\$982,932	\$949,225	\$954,229
Due from directors.....	47,811	36,685	68,095	55,013
Overdrafts.....	195	201	...	...
Due from trust companies, State, national and private banks and brokers	84,880	121,660	207,167	286,425
Real estate.....	66,062	65,811	66,025	66,204
Stocks and bonds.....	5,000	5,000	6,000	6,000
Specie.....	17,384	17,292	22,604	25,683
U. S. legal tender notes and circulating notes of national banks.....	43,923	42,894	77,395	63,414
Cash items.....	84,473	56,523	90,160	75,999
Loss and expense account.....	1,949	2,745	1,826	2,802
Add for cents.....	3	4	3	3
Total resources.....	\$1,184,109	\$1,331,747	\$1,488,502	\$1,535,772

LIABILITIES.

Capital.....	\$200,000	\$200,000	\$200,000	\$200,000
Surplus fund.....	...	...	50,000	50,000
Undivided profits.....	59,194	71,200	19,054	28,828
Due depositors on demand.....	924,778	1,060,546	1,219,360	1,256,901
Due to trust companies, State, national and private banks and brokers.....	10	...	...	...
Amount due not included in either of the above heads.....	126	...	87	42
Add for cents.....	1	1	1	1
Total liabilities.....	\$1,184,109	\$1,331,747	\$1,488,502	\$1,535,772

BANK OF GOUVERNEUR — Gouverneur.

CHARLES ANTHONY, *President.*

(Organized 1879.)

HENRY SUDDS, *Cashier.*

RESOURCES.

	Statement of condition, Dec'ber 18, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Loans and discounts less due from directors.....	\$123,924	\$128,701	\$133,949	\$123,065
Overdrafts.....		20	2,622	
Due from trust companies, State, national and private banks and brokers.	4,826	10,166	18,033	31,918
Real estate.....	6,000	6,000	6,000	6,000
Bonds and mortgages.....	1,200	12,462	12,162	15,162
Stocks and bonds.....	25,000	20,000	20,000	36,000
Specie.....	932	2,134	1,413	1,968
United States legal tender notes and circulating notes of national banks	14,495	3,157	4,445	15,725
Cash items.....	995	945	768	615
Loss and expense account.....	2,167	3,931	5,008	2,062
Assets not included in either the above heads.....	1,500	1,500	1,500	1,500
Add for cents.....	2	1	3	2
Total resources.....	\$181,041	\$189,017	\$205,903	\$234,017

LIABILITIES.

Capital.....	\$50,000	\$50,000	\$50,000	\$50,000
Surplus fund.....				5,505
Undivided profits.....	4,928	8,042	10,809	2,247
Due depositors on demand.....	124,379	130,270	143,091	174,396
Due to trust companies, State, national and private banks and brokers.	1,733	704	2,001	1,867
Add for cents.....	1	1	2	2
Total liabilities.....	\$181,041	\$189,017	\$205,903	\$284,017

GREENWICH BANK — New York City.
(Organized 1865.)

JOHN S. McLEAN, President.

WILLIAM HAWES, Cashier.

RESOURCES.

	Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Loans and discounts less due from directors.....	\$418,834	\$358,976	\$630,913	\$731,824
Due from directors.....	59,250	56,850	69,350	59,640
Due from trust companies, State, national and private banks and brokers.....	179,653	382,752	52,432	72,251
Real estate.....	20,657	20,545	20,432	20,320
Stocks and bonds.....	161,361	114,955	109,000	109,000
Specie.....	10,551	10,639	6,552	6,554
United States legal tender notes and circulating notes of national banks.....	46,307	52,340	42,129	41,273
Cash items.....	51,030	32,600	61,280	84,292
Loss and expense account.....	1,767	8,312	1,476	8,076
Add for cents.....	5	3	3	2
Total resources.....	\$949,415	\$1,037,972	\$993,567	\$1,133,232

LIABILITIES.

	Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Capital.....	\$200,000	\$200,000	\$200,000	\$200,000
Surplus fund.....	11,340	11,340	.....	.....
Undivided profits.....	5,613	17,016	18,591	30,292
Circulation.....	2,655	2,655	2,609	2,608
Due to depositors on demand.....	674,129	750,842	766,309	895,263
Due to trust companies, State, national and private banks and brokers.....	5,394	5,998	5,544	4,980
Due to individuals and corporations other than banks and depositors.....	50,000	50,000	.....	.....
Amount due not included in either of the above heads.....	282	121	513	88
Add for cents.....	2	.....	1	.....
Total liabilities.....	\$949,415	\$1,037,972	\$993,567	\$1,133,232

GROCERS' BANK — New York City.*
(Organized 1899.)

CHARLES DENISON, *President.*JOSEPH PERIAM, *Cashier.***RESOURCES.**

	Statement of condition, December 18, 1899.	Statement of condition, March 30, 1899.	Statement of condition, June, 1899.	Statement of condition, September, 1899.
Loans and discounts less due from directors	\$694,334	.....	.....	.....
Due from directors	39,750	.....	.....	.....
Overdrafts	114	.....	.....	.....
Due from trust companies, State, national and private banks and brokers	72,235	.....	.....	.....
Real estate	52,126	.....	.....	.....
Stocks and bonds	16,620	.....	.....	.....
Specie	93,686	.....	.....	.....
U. S. legal tender notes and circulating notes of national banks	51,620	.....	.....	.....
Cash items	82,926	.....	.....	.....
Loss and expense account	14,763	.....	.....	.....
Assets not included in either of the above heads	7,509	.....	.....	.....
Add for cents	4	.....	.....	.....
Total resources	\$1,125,687	.....	.....	.....

LIABILITIES.

Capital	\$225,000	.....	.....	.....
Surplus fund	18,479	.....	.....	.....
Undivided profits	19,844	.....	.....	.....
Due depositors on demand	721,424	.....	.....	.....
Due to trust companies, State, national and private banks and brokers	140,939	.....	.....	.....
Add for cents	1	.....	.....	.....
Total liabilities	\$1,125,687	.....	.....	.....

* Failed.

BANK DEPARTMENT.

69

HENRY D. BARTO & CO.'S BANK — Trumansburgh.
(Organized 1883.)

HENRY L. HINCKLEY, President.

FRED. D. BARTO, Cashier.

RESOURCES.

	Statement of condition, Dec'ber 18, 1878.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Loans and discounts less due from directors.....	\$58,230	\$53,081	\$63,111	\$68,276
Due from directors.....	1,789	3,237	8,891	5,329
Overdrafts.....	451	735	605	466
Due from trust companies, State, national and private banks and brokers	18,302	7,610	2,518	6,445
Real estate.....	650	550	500	500
Bonds and mortgages.....	1,532	1,352	1,327	1,327
Stocks and bonds.....	514	514	8,239	7,172
Specie.....	676	1,265	1,741	1,295
United States legal tender notes and circulating notes of national banks,	4,528	7,725	4,437	4,584
Cash items.....	95	207	53	658
Loss and expense account.....	132	510	1,259	1,588
Assets not included in either of the above heads.....	4	102	4	2
Add for cents.....		3		
Total resources.....	\$86,923	\$76,891	\$87,685	\$97,642

LIABILITIES.

Capital.....	\$30,000	\$30,000	\$30,000	\$30,000
Undivided profits.....	667	2,281	3,757	5,139
Circulation.....	306	306	306	306
Due depositors on demand.....	54,075	43,733	49,163	57,725
Due to trust companies, State, national and private banks and brokers,	1,873	569	584	1,571
Amount due not included in either of the above heads.....	2	2	3,875	2,900
Add for cents.....				1
Total liabilities.....	\$86,923	\$76,891	\$87,685	\$97,642

BANK OF HORNELLSVILLE — Hornellsville.

F. G. BABCOCK, President.

(Organized 1875.)

F. H. FURMAN, Cashier.

RESOURCES.	Statement of condition, December 13, 1879.	Statement of condition, March 23, 1880.	Statement of condition, June 12, 1880.	Statement of condition, September 15, 1880.
Loans and discounts less due from directors	\$276,208	\$344,894	\$370,269	\$352,525
Due from directors	1,331	3,331	1,814	4,335
Overdrafts	3,836	568	1,579	1,520
Due from trust companies, State, national and private banks and brokers	96,332	104,257	63,898	78,496
Bonds and mortgages	21,012	14,550	14,550	13,050
Stocks and bonds	5,088	5,088	1,072	1,072
Specie	10,520	7,547	7,053	6,339
U. S. legal tender notes and circulating notes of national banks	31,275	13,630	5,173	15,633
Cash items	4,518	2,061	2,452	3,554
Loss and expense account	5,588	709	2,550	5,707
Add for cents	4	4	3	2
Total resources	\$455,722	\$496,639	\$470,413	\$482,233
LIABILITIES.				
Capital	\$50,000	\$50,000	\$50,000	\$50,000
Surplus fund	20,000	20,000	20,000	20,000
Undivided profits	40,140	16,767	25,263	26,582
Due depositors on demand	318,168	349,819	198,975	153,520
Due to trust companies, State, national and private banks and brokers	23,235	32,589	10,777	30,700
Due to individuals and corporations other than banks and depositors	.....	.....	137,934	171,370
Amount due not included in either of the above heads	4,178	27,462	27,462	30,059
Add for cents	1	2	2	2
Total liabilities	\$455,722	\$496,639	\$470,413	\$482,233

BANK DEPARTMENT.

71

HOWELL M REEVE, BANKER -- Riverhead.
(Organized 1879.)

RESOURCES.	Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Loans and discounts less due from directors	\$14,586	\$6,074	\$4,813	\$9,868
Due from trust companies, State, national and private banks and brokers	25,314	54,852	21,041	13,168
Stocks and bonds	5,950	5,900	5,900	6,050
Specie	596	367	.....	425
United States legal tender notes and circulating notes of national banks.	2,594	807	2,110	896
Cash items	1,590	240	1,560	593
Loss and expense account	298	347	334	258
Assets not included in either of the above heads	100	100	100	100
Add for cents	1	2	1	1
Total resources	\$51,029	\$68,689	\$35,859	\$31,359
LIABILITIES.				
Capital	\$5,000	\$5,000	\$5,000	\$5,000
Surplus fund .....	.....	100	100	100
Undivided profits	298	347	334	258
Due depositors on demand	45,045	62,223	26,954	26,000
Due to trust companies, State, national and private banks and brokers.	686	1,018	3,470	.....
Add for cents .....	.....	1	1	1
Total liabilities	\$51,029	\$68,689	\$35,859	\$31,359

BANK OF HORNELLSVILLE — Hornellsville.

F. G. BABCOCK, President.

(Organized 1875.)

F. H. FURMAN, Cashier.

RESOURCES.

	Statement of condition, December 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, September 18, 1880.
Loans and discounts less due from directors.....	\$276,208	\$344,894	\$370,269	\$352,525
Due from directors.....	1,331	3,331	1,814	4,335
Overdrafts.....	3,836	568	1,579	1,520
Due from trust companies, State, national and private banks and brokers.	96,332	104,257	63,898	78,496
Bonds and mortgages.....	21,012	14,550	14,550	13,050
Stocks and bonds.....	5,088	5,088	1,072	1,072
Specie.....	10,520	7,547	7,053	-6,339
U. S. legal tender notes and circulating notes of national banks.....	31,275	13,630	5,173	15,633
Cash items.....	4,518	2,061	2,452	3,564
Loss and expense account.....	5,588	709	2,550	5,707
Add for cents.....	4	4	3	2
Total resources.....	\$455,722	\$496,639	\$470,413	\$482,233

LIABILITIES.

Capital.....	\$50,000	\$50,000	\$50,000	\$50,000
Surplus fund.....	20,000	20,000	20,000	20,000
Undivided profits.....	40,140	16,767	25,263	26,582
Due depositors on demand.....	318,168	349,819	196,975	153,520
Due to trust companies, State, national and private banks and brokers..	23,235	32,589	10,777	30,700
Due individuals and corporations other than banks and depositors.....	.....	.....	137,934	171,370
Amount due not included in either of the above heads.	.....	.....	27,462	30,059
Add for cents.....	4,178	2	2	2
Total liabilities.....	\$455,722	\$496,639	\$470,413	\$482,233

HOWELL M REEVE, BANKER — Riverhead.

(Organized 1879.)

RESOURCES.	Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Loans and discounts less due from directors	\$14,586	\$6,074	\$4,813	\$9,868
Due from trust companies, State, national and private banks and brokers	25,314	54,852	21,041	13,168
Stocks and bonds	5,950	5,900	5,900	6,050
Specie	596	367	.....	425
United States legal tender notes and circulating notes of national banks	2,594	807	2,110	896
Cash items	1,590	240	1,560	593
Loss and expense account	298	347	334	258
Assets not included in either of the above heads	100	100	100	100
Add for cents.....	1	2	1	1
Total resources	\$51,029	\$68,689	\$35,859	\$31,359
LIABILITIES.				
Capital	\$5,000	\$5,000	\$5,000	\$5,000
Surplus fund .....	.....	100	100	100
Undivided profits	298	347	334	258
Due depositors on demand	45,045	62,223	26,954	26,000
Due to trust companies, State, national and private banks and brokers	686	1,018	3,470	.....
Add for cents.....	.....	1	1	1
Total liabilities.....	\$51,029	\$68,689	\$35,859	\$31,359

ISLAND CITY BANK — New York City.

CHARLES HEATH, President.

(Organized 1870.)

GEORGE F. VAIL, Cashier.

RESOURCES.

	Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 13, 1880.	Statement of condition, Sept'ber 13, 1880.
Loans and discounts less due from directors	\$200,560	\$230,738	\$283,695	\$231,926
Due from directors	9,200	12,900	13,050	11,050
Overdrafts	9	57,315	31,027	100
Due from trust companies, State, national and private banks and brokers, ...	65,574	361	594	47,334
Real estate	456	5,325	1,095	761
Stocks and bonds	5,262	2,396	3,710	1,095
Specie	1,442	11,815	11,760	2,989
United States legal tender notes and circulating notes of national banks, ...	12,270	298	.....	23,915
Cash items	1,038	2083	4,722	.....
Loss and expense account	6,627	2,871	2,625	2,248
Assets not included in either of the above heads	2,948	4	3	2,851
Add for cents.	4	4	.....	2
Total resources.	\$305,390	\$326,106	\$352,281	\$324,271

LIABILITIES.

Capital.	\$100,000	\$100,000	\$100,000	\$100,000
Undivided profits.	13,680	10,445	14,775	9,341
Due depositors on demand	191,454	215,661	237,506	214,822
Amount due not included in either of the above heads	255	.....	.....	108
Add for cents.	1	.....	.....	.....
Total liabilities.	\$305,390	\$326,106	\$352,281	\$324,271

JOHNSTOWN BANK — Johnstown.

D. MONTYRE, President.

(Organised 1879.)

J. MOLAREN, Cashier.

RESOURCES.

	Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Loans and discounts less due from directors	\$142,182	\$168,983	\$178,391	\$183,452
Due from directors	24,527	19,052	15,550	16,860
Overdrafts	665	.....	168	130
Due from trust companies, State, national and private banks and brokers,	44,221	33,717	14,780	56,966
Real estate	8,500	8,500	8,500	8,500
Stocks and bonds	5,000	5,000	1,000	1,000
Specie	2,070	1,507	1,557	1,433
United States legal tender notes and circulating notes of national banks,	\$7,200	.....	12,148	11,966
Cash items .....	.....	1,217	36	140
Loss and expense account	21	22	83	47
Assets not included in either of the above heads	2,540	22,530	2,570	2,635
Add for cents	2	3	1	3
Total resources	\$236,928	\$260,531	\$234,784	\$283,132

LIABILITIES.

Capital	\$50,000	\$50,000	\$50,000	\$50,000
Undivided profits	5,868	5,837	8,260	8,202
Due depositors on demand	177,060	208,727	174,128	222,693
Due to trust companies, State, national and private banks and brokers.	3,999	966	2,396	2,236
Add for cents	1	1	.....	1
Total liabilities	\$236,928	\$260,531	\$234,784	\$283,132

LONG ISLAND BANK — Brooklyn.
(Organized 1845.)

JOHN SNIFFEN, JR., President.

JOHN H. DITMAS, Cashier.

RESOURCES.

	Statement of condition, December 18, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, September 18, 1880.
Loans and discounts less due from directors	\$718,861	\$963,008	\$966,573	\$725,375
Due from directors	32,000	26,000	44,908	46,900
Overdrafts	311	201	189	93
Due from trust companies, State, national and private banks and brokers	19,300	.....	9	7,985
Real estate	6,600	6,600	6,600	6,600
Stocks and bonds	435,700	290,700	290,900	290,900
Specie	1,493	2,568	2,848	3,165
United States legal tender notes and circulating notes of national banks	23,697	16,574	27,991	25,424
Cash items	81,316	61,322	88,051	137,807
Loss and expense account	11,897	3,074	7,083	2,561
Assets not included in either of the above heads	6,434	6,434	7,434	7,434
Add for cents	3	1	2	1
Total resources	\$1,337,112	\$1,376,482	\$1,442,588	\$1,254,245

LIABILITIES.

	\$400,000	\$400,000	\$400,000	\$400,000
Capital .....	.....	.....	.....	.....
Surplus fund	37,006	49,855	63,556	54,305
Undivided profits	6,434	6,434	6,434	6,434
Circulation	876,775	900,868	942,328	773,628
Due depositors on demand	16,350	18,455	29,517	18,438
Due to trust companies, State, national and private banks and brokers	544	888	752	1,439
Amount due not included in either of the above heads	3	2	1	1
Add for cents .....	.....	.....	.....	.....
Total liabilities	\$1,337,112	\$1,376,482	\$1,442,588	\$1,254,245

WM. HENRY SMITH, President. MANHATTAN COMPANY — New York City. (Organized 1799.)

J. THEO. BALDWIN, Cashier.

RESOURCES.

	Statement of condition, Dec'ber 18, 1878.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Loans and discounts less due from directors	\$6,052,027	\$6,208,920	\$6,079,816	\$6,670,066
Due from directors	25,000	.....	20,000	.....
Due from trust companies, State, national and private banks and brokers	304,563	314,841	318,729	259,944
Real estate	316,214	316,214	316,214	316,214
Bonds and mortgages	10,000	10,000	10,000	10,000
Specie	561,310	481,515	1,678,883	981,632
United States legal tender notes and circulating notes of national banks	303,205	77,884	366,639	266,532
Cash items	1,336,802	1,398,460	1,534,803	1,220,555
Loss and expense account	77,436	6,387	26,114	7,498
Add for cents	2	3	2	3
Total resources	\$8,986,559	\$8,814,224	\$10,350,700	\$9,731,444

LIABILITIES.

	Statement of condition, Dec'ber 18, 1878.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Capital	\$2,050,000	\$2,050,000	\$2,050,000	\$2,050,000
Undivided profits	1,105,117	1,041,452	1,131,937	1,031,560
Circulation	354	356	346	345
Due depositors on demand	3,854,058	3,919,727	4,037,839	4,141,998
Due to trust companies, State, national and private banks and brokers	1,869,104	1,686,967	3,075,006	2,420,820
Due treasurer of the State of New York	99,360	102,687	43,911	73,960
Amount due not included in either of the above heads	8,563	13,032	11,659	12,759
Add for cents	3	3	2	2
Total liabilities	\$8,986,559	\$8,814,224	\$10,350,700	\$9,731,444

MANUFACTURERS' BANK — Cohoes.

JNO. V. S. LANSING, Vice-President.

(Organized 1872.)

W. T. SEYMOUR, Cashier.

RESOURCES.

	Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Loans and discounts less due from directors.....	\$274,024	\$266,848	\$247,577	\$235,306
Due from directors.....	.....	1,450	8,350	1,100
Overdrafts.....	.....	251	4	135
Due from trust companies, State, national and private banks and brokers	21,634	48,543	46,205	21,078
Real estate.....	11,681	16,797	14,419	18,019
Bonds and mortgages.....	4,706	640	3,645	3,645
Stocks and bonds.....	21,350	21,350	22,350	7,350
Specie.....	1,060	5,871	2,058	5,438
United States legal tender notes and circulating notes of national banks	21,057	21,760	21,638	9,037
Cash items.....	2,886	1,564	788	2,971
Loss and expense account.....	3,122	1,885	3,390	2,760
Assets not included in either of the above heads	1,500	1,500	1,500	1,500
Add for cents.....	2	4	4	4
Total resources.....	\$363,022	\$388,463	\$371,928	\$308,343

LIABILITIES.

Capital.....	\$100,000	\$100,000	\$100,000	\$100,000
Undivided profits.....	39,580	34,744	39,893	20,460
Due depositors on demand.....	213,082	243,484	221,950	187,701
Due to trust companies, State, national and private banks and brokers	10,279	10,000	10,000	.....
Amount due not included in either of the above heads	80	234	84	181
Add for cents.....	1	1	1	1
Total liabilities.....	\$363,022	\$388,463	\$371,928	\$308,343

MANUFACTURERS AND MERCHANTS' BANK — New York City.*

JOSEPH POOL, President.

(Organized 1869.)

THEO. D. WARREN, Cashier.

RESOURCES.	Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June, 1880.	Statement of condition, September, 1880.
Loans and discounts less due from directors	\$159,989	.....	.....	.....
Due from directors	14,273	.....	.....	.....
Overdrafts	986	.....	.....	.....
Due from trust companies, State, national and private banks and brokers	53,701	.....	.....	.....
Bonds and mortgages	2,200	.....	.....	.....
Stocks and bonds	11,060	.....	.....	.....
Specie	5,000	.....	.....	.....
United States legal tender notes and circulating notes of national banks	51,333	.....	.....	.....
Cash items	35,468	.....	.....	.....
Loss and expense account	7,718	.....	.....	.....
Assets not included in either of the above heads	39,861	.....	.....	.....
Add for cents	3	.....	.....	.....
Total resources.....	\$381,392	.....	.....	.....
LIABILITIES.				
Capital	\$100,000	.....	.....	.....
Surplus fund	10,107	.....	.....	.....
Undivided profits	9,087	.....	.....	.....
Due depositors on demand	258,886	.....	.....	.....
Due to trust companies, State, national and private banks and brokers	3,109	.....	.....	.....
Amount due not included in either of the above heads	202	.....	.....	.....
Add for cents	1	.....	.....	.....
Total liabilities.....	\$381,392	.....	.....	.....

* Went into voluntary liquidation.

MANUFACTURERS AND TRADERS' BANK — Buffalo.

HENRY MARTIN, *President.*

(Organized 1856.)

JAMES H. MADISON, *Cashier.*

RESOURCES.

	Statement of condition, Dec ber 13, 1890.	Statement of condition, March 20, 1890.	Statement of condition, June 12, 1890	Statement of condition, Sept ber 12, 1890.
Loans and discounts less due from directors	\$1,825,689	\$1,749,917	\$1,877,700	\$2,031,297
Due from directors	38,800	35,500	36,042	33,042
Overdrafts	713	1,637	2,515	1,348
Due from trust companies, State, national and private banks and brokers	382,066	234,244	150,381	440,000
Real estate	22,520	22,520	22,520	22,520
Bonds and mortgages	13,518	13,518	13,082	12,982
Stocks and bonds	105,000	150,000	150,000	143,000
Specie	27,678	34,688	36,596	29,637
United States legal tender notes and circulating notes of national banks,	77,128	63,931	82,012	76,281
Cash items	5,249	1,500	10,162	1,709
Loss and expense account	9,993	4,097	9,755	6,062
Assets not included in either of the above heads	.....	.....	1,708	1,848
Add for cents	4	5	3	4
Total resources	\$2,508,358	\$2,311,557	\$2,392,476	\$2,799,730

LIABILITIES.

	\$900,000	\$900,000	\$900,000	\$900,000
Capital	.....	\$900,000	.....	\$900,000
Surplus fund	.....	103,293	.....	.....
Undivided profits	165,544	31,147	166,915	137,598
Due depositors on demand	1,249,718	1,117,688	1,170,465	1,571,555
Due to trust companies, State, national and private banks and brokers,	71,653	79,985	74,255	89,445
Due treasurer of the State of New York	121,442	79,442	80,840	101,130
Add for cents	1	2	1	2
Total liabilities	\$2,508,358	\$2,311,557	\$2,392,476	\$2,799,730

MARINE BANK — Buffalo.

STEPHEN M. CLEMENT, *President.*

(Organized 1880.)

WILLIAM K. ALLEN, *Cashier.*

RESOURCES.

	Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, September 18, 1880.
Loans and discounts less due from directors	\$982,524	\$992,341	\$1,277,250	\$1,137,283
Overdrafts	.....	1,328	512	896
Due from trust companies, State, national and private banks and brokers	48,000	171,053	56,983	78,824
Real estate	5,000	20,234	22,286	33,565
Bonds and mortgages	1,025	1,025	875	875
Stocks and bonds	108,532	108,532	118,282	118,282
Specie	2,734	2,431	3,390	5,180
United States legal tender notes and circulating notes of national banks,	8,838	9,404	6,807	26,786
Cash items	376	112	3,428	2,179
Loss and expense account	6,501	2,492	7,949	2,768
Assets not included in either of the above heads	1,447	195	135	65
Add for cents	3	5	3	5
Total resources	\$1,164,980	\$1,309,202	\$1,497,900	\$1,406,708

LIABILITIES.

	\$200,000	\$200,000	\$200,000	\$200,000
Capital	.....	.....	.....	.....
Undivided profits	155,894	142,133	162,870	154,803
Due depositors on demand	638,875	788,451	922,885	863,897
Due to trust companies, State, national and private banks and brokers	108,805	117,211	134,340	112,797
Due treasurer of the State of New York	61,405	61,405	77,803	75,209
Add for cents	1	2	2	2
Total liabilities	\$1,164,980	\$1,309,202	\$1,497,900	\$1,406,708

MECHANICS' BANK — Brooklyn.

DANIEL CHAUNCEY, President.

(Organized 1852.)

GEORGE W. WHITE, Cashier.

RESOURCES.

	Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, September 18, 1880.
Loans and discounts less due from directors ..	\$535,677	\$814,177	\$828,149	\$1,066,540
Due from directors ..	151,204	240,704	233,704	129,704
Overdrafts ..	1,752	770	938	868
Due from trust companies, State, national and private banks and brokers	958,746	790,278	1,117,685	660,171
Real estate ..	75,000	75,000	75,000	75,000
Stocks and bonds ..	782,539	366,039	324,659	287,294
Specie ..	16,774	15,787	34,400	27,211
United States legal tender notes and circulating notes of national banks	109,492	107,278	144,827	135,303
Cash items ..	195,726	101,125	104,911	74,167
Loss and expense account ..	23,469	3,522	9,672	3,523
Add for cents ..	1	3	1	2
Total resources ..	\$2,850,380	\$2,514,683	\$2,873,946	\$2,459,783

LIABILITIES.

	Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, September 18, 1880.
Capital ..	\$500,000	\$500,000	\$500,000	\$500,000
Surplus fund ..	389,025	371,438	374,093	385,429
Undivided profits ..	46,014	27,657	47,981	18,675
Circulation ..	5,516	5,511	5,482	5,482
Due depositors on demand ..	1,900,101	1,548,427	1,863,357	1,526,299
Due to trust companies, State, national and private banks and brokers ..	9,348	61,048	82,508	22,666
Amount due not included in either of the above heads ..	375	600	525	1,230
Add for cents ..	1	2	.....	2
Total liabilities ..	\$2,850,380	\$2,514,683	\$2,873,946	\$2,459,783

MECHANICS AND FARMERS' BANK — Albany.

DUDLEY OLCOTT, *President.*

GEORGE G. DAVIDSON, *Cashier.*

(Organized 1868.)

BANK DEPARTMENT.

81

RESOURCES.

	Statement of condition, December 13, 1890.	Statement of condition, March 30, 1890.	Statement of condition, June 12, 1890.	Statement of condition, September 18, 1890.
Loans and discounts less due from directors.	\$311,868	\$432,068	\$535,350	\$493,338
Due from directors.	42,000	43,750	.....	40,810
Overdrafts.	287	7,144	.....	1,244
Due from trust companies, State, national and private banks and brokers.	530,469	643,822	552,656	634,906
Real estate.	23,008	23,008	23,008	23,008
Bonds and mortgages.	25,813	25,813	25,813	25,813
Stocks and bonds.	1,152,500	742,500	737,500	737,500
Specie.	7,000	11,400	8,270	15,393
U. S. legal tender notes and circulating notes of national banks.	35,532	41,304	19,503	29,780
Cash items.	41,639	15,361	21,971	13,109
Loss and expense account.	.....	.....	.....	.....
Assets not included in either of the above heads.	61,905	39,446	27,628	56,123
Add for cents.	3	4	3	4
Total resources.	\$2,212,044	\$1,925,620	\$1,951,801	\$2,071,028

LIABILITIES.

Capital.	\$350,000	\$350,000	\$350,000	\$350,000
Surplus fund.	650,000	650,000	650,000	650,000
Due depositors on demand.	1,079,674	807,968	836,501	972,486
Due to trust companies, State, national and private banks and brokers.	105,424	102,747	111,784	83,605
Amount due not included in either of the above heads.	26,945	14,904	3,516	14,936
Add for cents.	1	1	.....	1
Total liabilities.	\$2,212,044	\$1,925,620	\$1,951,801	\$2,071,028

MECHANICS AND TRADERS' BANK — Brooklyn.

RCH. K. MESEROLE, President.

(Organized 1887.)

HENRY J. OLDRING, Jr., Cashier.

RESOURCES.

	Statement of condition, December 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, September 13, 1880.
Loans and discounts less due from directors	\$212,092	\$187,544	\$241,029	\$246,383
Due from directors	19,625	19,575	17,250	15,150
Due from trust companies, State, national and private banks and brokers	96,057	88,108	66,796	135,115
Real estate	18,000	18,000	18,000	18,000
Stocks and bonds	64,000	64,000	64,000	64,000
Specie	3,290	3,557	4,011	4,034
United States legal tender notes and circulating notes of national banks	19,140	19,190	22,743	22,552
Cash items	476	522	435	569
Loss and expense account	3,751	1,508	2,868	1,048
Assets not included in either of the above heads	2,150	2,150	2,150	2,150
Add for cents	2	2	2	2
Total resources	\$438,583	\$404,156	\$439,284	\$509,503

LIABILITIES.

	Statement of condition, December 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, September 13, 1880.
Capital	\$100,000	\$100,000	\$100,000	\$100,000
Undivided profits	10,864	7,573	11,230	10,484
Due depositors on demand	326,118	296,336	327,658	395,512
Due to trust companies, State, national and private banks and brokers .....	.....	.....	.....	3,436
Due to individuals and corporations other than banks and depositors .....	.....	.....	.....	.....
Amount due not included in either of the above heads	616	190	394	9
Add for cents	985	55	.....	60
Total liabilities	\$438,583	\$404,156	\$439,284	\$509,503

MERCHANTS' BANK — Watertown.

WILLARD IVES, President.

(Organized 1870.)

JOHN F. MOFFETT, Cashier.

RESOURCES.	Statement of condition, Dec'ber 18, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Loans and discounts less due from directors	\$613,654	\$656,418	\$620,802	\$585,347
Overdrafts	8,294	4,506	10,492	11,365
Due from trust companies, State, national and private banks and brokers	18,471	36,493	3,526	9,097
Real estate	38,500	39,090	39,090	55,290
Bonds and mortgages	32,482	27,168	25,809	29,265
Stocks and bonds	7,000	7,650	9,350	33,700
Specie	2,810	3,920	4,725	4,352
United States legal tender notes and circulating notes of national banks	7,234	9,999	9,019	10,608
Cash items	8,908	9,869	17,968	17,499
Loss and expense account	7,313	5,575	7,519	3,007
Assets not included in either of the above heads	5,000	5,000	5,000	.....
Add for cents	3	4	4	3
Total resources	\$749,759	\$805,692	\$753,304	\$759,533
LIABILITIES.				
Capital	\$210,000	\$210,000	\$210,000	\$210,000
Surplus fund	29,299	25,867	25,437	20,135
Undivided profits	15,878	9,853	13,836	11,853
Due depositors on demand	459,674	546,725	485,962	498,005
Due to trust companies, State, national and private banks and brokers,	5,915	2,043	13,240	4,643
Due individuals and corporations other than banks and depositors	29,421	12,068	5,303	14,643
Amount due not included in either of the above heads	69	134	25	251
Add for cents	3	2	1	3
Total liabilities	\$749,759	\$805,692	\$753,304	\$759,533

BANK OF THE METROPOLIS—New York City. (Organized 1871.)

ROBERT SCHELL, *President.*

THEODORE ROGERS, *Cashier.*

RESOURCES.

	Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 30, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Loans and discounts less due from directors.....	\$1,578,078	\$1,819,619	\$1,742,454	\$1,867,358
Due from directors.....	30,600	75,600	54,700	105,000
Overdrafts.....	503	660	624	332
Due from trust companies, State, national and private banks and brokers..	218,032	201,363	263,444	178,808
Real estate.....	12,789	12,789	12,789	12,789
Bonds and mortgages.....	15,375	14,500	13,625	12,750
Stocks and bonds.....	310,325	214,450	214,450	9,450
Specie.....	43,473	48,332	34,269	36,535
United States legal tender notes and circulating notes of national banks..	286,171	223,881	546,744	486,154
Cash items.....	297,169	134,019	283,499	206,102
Loss and expense account.....	24,132	7,987	16,319	7,469
Assets not included in either of the above heads.....	11,000	13,000	15,000	10,000
Add for cents.....	2	3	4	2
Total resources.....	\$2,827,649	\$2,766,203	\$3,197,921	\$2,932,749

LIABILITIES.

Capital.....	\$300,000	\$300,000	\$300,000	\$300,000
Undivided profits.....	83,823	71,598	66,255	76,747
Due depositors on demand.....	2,247,567	2,228,134	2,585,253	2,231,092
Due to trust companies, State, national and private banks and brokers..	194,774	166,469	236,850	324,875
Amount due not included in either of the above heads.....	1,484	.....	9,562	31
Add for cents.....	1	2	1	2
Total liabilities.....	\$2,827,649	\$2,766,203	\$3,197,921	\$2,932,749

BANK OF MONROE — Rochester. (Organized 1867.)

HIRAM SIBLEY, President.

WILLIAM R. SEWARD, Cashier.

RESOURCES.

Loans and discounts less due from directors
 Due from directors
 Overdrafts
 Due from trust companies, State, national and private banks and brokers
 Real estate
 Bonds and mortgages
 Stocks and bonds
 Specie
 United States legal tender notes and circulating notes of national banks, ...
 Cash items
 Loss and expense account
 Add for cents.....

Total resources

LIABILITIES.

Capital
 Surplus fund
 Undivided profits
 Due depositors on demand.....
 Due to trust companies, State, national and private banks and brokers.
 Due individuals and corporations other than banks and depositors.
 Due treasurer of the State of New York
 Add for cents.....

Total liabilities.....

BANK DEPARTMENT.

85

Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 13, 1880.	Statement of condition, Sept'ber 13, 1880.
\$382,853	\$408,838	\$389,095	\$379,122
26,704	18,511	52,561	22,209
6,036	17,280	8,227	1,444
100,215	82,004	80,378	51,084
32,748	40,581	39,266	39,457
13,858	12,871	12,677	12,677
5,000	5,000	5,000	6,000
2,023	2,235	3,049	3,414
9,043	9,376	10,927	9,140
4,472	3,320	8,027	1,887
5,262	2,028	3,858	1,870
2	3	4	4
\$588,216	\$602,057	\$613,069	\$528,308
\$100,000	\$100,000	\$100,000	\$100,000
50,000	50,000	50,000	50,000
22,477	28,924	38,070	37,250
344,951	352,565	331,364	318,532
13,787	23,567	11,633	20,525
55,000	45,000	80,000	.....
2,000	2,000	2,000	2,000
1	1	2	1
\$588,216	\$602,057	\$613,069	\$528,308

MURRAY HILL BANK — New York City.

WILLIAM A. DARLING, President.

(Organized 1870.)

ALBERT H. GALE, Cashier.

RESOURCES.

	Statement of condition, Dec ber 18, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept ber 18, 1880.
Loans and discounts less due from directors	\$428,000	\$486,852	\$527,168	\$558,456
Due from directors	47,746	47,347	43,380	43,430
Overdrafts	177	160	340	176
Due from trust companies, State, national and private banks and brokers	38,182	33,409	27,985	27,079
Bonds and mortgages	12,000	12,000	13,025	13,130
Stocks and bonds	10,000	10,000	11,000	6,075
Specie	14,804	10,496	16,439	16,775
United States legal tender notes and circulating notes of national banks	26,811	24,218	45,137	35,896
Cash items	30,907	34,935	46,145	49,090
Loss and expense account	11,193	4,644	9,285	5,441
Assets not included in either of the above heads	4,739	6,178	5,188	5,706
Add for cents	2	3	1	3
Total resources	\$624,561	\$670,242	\$745,093	\$761,257

LIABILITIES.

	Statement of condition, Dec ber 18, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept ber 18, 1880.
Capital	\$100,000	\$100,000	\$100,000	\$100,000
Surplus fund	50,000	50,000	50,000	50,000
Undivided profits	43,149	34,315	42,253	38,014
Due depositors on demand	381,479	418,073	551,165	517,138
Due to trust companies, State, national and private banks and brokers	3,335	42,837	1,299	11,728
Amount due not included in either of the above heads	46,596	25,016	375	44,377
Add for cents	2	1	1	.....
Total liabilities	\$624,561	\$670,242	\$745,093	\$761,257

BANK DEPARTMENT.

87

NASSAU BANK — New York City.
(Organized 1882.)

FRANCIS M. HARRIS, President.

WILLIAM H. ROGERS, Cashier.

RESOURCES

	Statement of condition, December 18, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, September 18, 1880.
Loans and discounts less due from directors	\$1,874,691	\$2,174,051	\$2,135,588	\$2,133,548
Due from directors	6,200	9,600	8,300	5,700
Due from trust companies, State, national and private banks and brokers	184,041	167,528	194,804	192,540
Real estate	170,886	170,447	170,274	169,990
Stocks and bonds	260,100	158,100	107,100	107,100
Specie	330,404	216,257	52,783	68,856
United States legal tender notes and circulating notes of national banks	80,547	110,759	215,911	112,382
Cash items	172,543	177,027	195,424	401,615
Loss and expense account	3,546	22,004	3,721	20,942
Assets not included in either of the above heads	3,900	3,900	3,900	3,900
Add for cents	3	2	3	3
Total resources	\$3,086,861	\$3,209,675	\$3,087,808	\$3,216,576

LIABILITIES.

Capital	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
Surplus fund	40,229	44,921	58,152	58,152
Undivided profits	8,677	38,134	6,223	36,502
Circulation	3,900	3,900	3,900	3,900
Due depositors on demand	1,973,353	2,013,470	1,971,220	2,061,598
Due to trust companies, State, national and private banks and brokers	56,930	107,865	45,594	55,319
Amount due not included in either of the above heads	3,770	1,883	2,717	1,104
Add for cents	2	2	2	1
Total liabilities	\$3,086,861	\$3,209,675	\$3,087,808	\$3,216,576

NEW YORK STATE BANKING COMPANY — Syracuse.

NATHAN F. GRAVES, President.

(Organized 1877.)

R. A. BONTA, Cashier.

RESOURCES.

	Statement of condition, Dec'r 18, 1878.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'r 18, 1880.
Loans and discounts less due from directors	\$247,413	\$303,042	\$288,352	\$293,502
Due from directors	8,104	9,970	10,754	7,440
Overdrafts	2,281	.....	5,221	1,082
Due from trust companies, State, national and private banks and brokers	39,377	.....	26,357	26,791
Stocks and bonds	13,859	10,083	1,799	1,799
Specie	5,668	14,159	5,839	5,257
United States legal tender notes and circulating notes of national banks	3,459	4,831	4,359	5,783
Cash items	1,797	4,751	2,270	864
Loss and expense account	379	4,278	416	2,015
Assets not included in either of the above heads .....	.....	3,559	.....	.....
Add for cents	2	3	3	5
Total resources	\$322,339	\$354,676	\$345,370	\$344,538

LIABILITIES.

	Statement of condition, Dec'r 18, 1878.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'r 18, 1880.
Capital	\$100,000	\$100,000	\$100,000	\$100,000
Undivided profits	12,742	17,598	15,426	19,445
Due depositors on demand	161,650	173,032	169,102	166,861
Due to trust companies, State, national and private banks and brokers	5,574	21,572	26,854	25,891
Due treasurer of the State of New York	42,472	42,472	33,987	32,339
Add for cents	1	2	1	2
Total liabilities	\$322,339	\$354,676	\$345,370	\$344,538

BANK OF NORTH AMERICA — New York City.

WILLIAM DOWD, President.

(Organised 1890.)

FREDERICK H. WHITEMORE, Cashier.

RESOURCES.

	Statement of condition, Dec'ber 13, 1878.	Statement of condition, March 30, 1880.	Statement of condition, June 1 st , 1880.	Statement of condition, Sept'ber 13, 1880.
Loans and discounts less due from directors.	\$1,541,962	\$1,768,443	\$1,557,022	\$1,631,122
Due from directors	474,093	528,500	811,910	708,096
Overdrafts	23,808	3,128	145	3,416
Due from trust companies, State, national and private banks and brokers.	176,554	93,308	144,619	141,248
Real estate	200,000	198,158	175,000	175,000
Bonds and mortgages.	25,775	14,775	15,000	15,000
Stocks and bonds	203,649	398,404	10,775	66,937
Specie	91,141	100,990	184,575	128,487
United States legal tender notes and circulating notes of national banks	2,051,051	1,430,033	166,288	213,546
Cash items.	34,097	6,495	2,478,554	1,735,747
Loss and expense account	*15,920	12,107	15,550	6,760
Assets not included in either of the above heads	3	4	11,864	11,703
Add for cents	3	4	3	4
Total resources.	\$4,838,053	\$4,554,345	\$5,571,305	\$4,837,066

LIABILITIES.

Capital	\$700,000	\$700,000	\$700,000	\$700,000
Undivided profits.	157,666	151,094	182,426	165,705
Due depositors on demand	3,042,898	2,728,804	3,545,108	2,920,371
Due to trust companies, State, national and private banks and brokers.	931,459	974,339	1,143,663	1,050,449
Amount due not included in either of the above heads.	6,059	108	108	540
Add for cents	1	.....	.....	1
Total liabilities	\$4,838,053	\$4,554,345	\$5,571,305	\$4,837,066

* Suspense account.

NORTH RIVER BANK — New York City.

LEVI APGAR, President.

(Organized 1842.)

A. B. HAYS, Cashier.

RESOURCES.	Statement of condition, December 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, September 18, 1880.
Loans and discounts less due from directors.....	\$773,211	\$787,326	\$806,620	\$832,844
Due from directors.....	41,952	41,591	36,884	39,448
Overdrafts.....	6,215	6,174	8,572	7,059
Due from trust companies, State, national and private banks and brokers.....	149,953	108,781	185,382	108,659
Real estate.....	48,107	47,835	47,846	47,846
Bonds and mortgages.....	1,500	1,500	1,500	1,500
Stocks and bonds.....	216,246	216,246	216,246	216,246
Specie.....	53,884	41,060	25,084	36,728
U. S. legal tender notes and circulating notes of national banks.....	74,157	75,527	79,693	183,846
Cash items.....	126,102	145,962	128,231	153,646
Loss and expense account.....	16,355	7,299	13,689	4,740
Add for cents.....	2	3	4	3
Total resources.....	\$1,507,684	\$1,479,304	\$1,549,751	\$1,632,565
LIABILITIES.				
Capital.....	\$240,000	\$240,000	\$240,000	\$240,000
Surplus fund.....	58,351	61,750	55,277	57,707
Undivided profits.....	28,632	13,018	27,040	13,381
Due depositors on demand.....	980,559	1,063,776	1,226,890	1,318,967
Due to trust companies, State, national and private banks and brokers.....	200,001	100,457	412	9
Amount due not included in either of the above heads.....	139	301	131	2,499
Add for cents.....	2	2	1	2
Total liabilities.....	\$1,507,684	\$1,479,304	\$1,549,751	\$1,632,565

BANK DEPARTMENT.

91

OGDENSBURG BANK — Ogdensburg.
(Organized 1879.)

JAMES G. AYERRELL, President.

WILLIAM A. EGERT, Cashier.

RESOURCES.

	Statement of condition, December 13, 1879.	Statement of condition, March 20, 1880	Statement of condition, June 12, 1880.	Statement of condition, September 18, 1880.
Loans and discounts less due from directors	\$489,278	\$424,027	\$355,028	\$439,768
Overdrafts	1,729	1,200	1,304	1,260
Due from trust companies, State, national and private banks and brokers	1,676	2,524	1,173	1,352
Real estate	8,000	8,000	8,000	8,000
Stocks and bonds	5,672	45,000	36,000	36,100
Specie	886	800	859	2,752
U. S. legal tender notes and circulating notes of national banks	22,365	15,622	15,644	17,481
Cash items	2,316	2,866	2,56	3,084
Loss and expense account	5,034	4,328	6,560	3,194
Assets not included in either of the above heads	3,992	2,000	90,790	91,266
Add for cents	3	3	3	2
Total resources	\$540,951	\$506,370	\$517,921	\$604,259

LIABILITIES.

Capital	\$100,000	\$100,000	\$100,000	\$100,000
Undivided profits	24,027	13,022	22,832	16,856
Due depositors on demand	412,155	389,223	380,671	472,387
Due to trust companies, State, national and private banks and brokers	4,755	4,124	14,417	14,865
Due individuals and corporations other than banks and depositors	13	.....	.....	.....
Amount due not included in either of the above heads .....	.....	.....	.....	150
Add for cents	1	1	1	1
Total liabilities	\$540,951	\$506,370	\$517,921	\$604,259

ONEIDA COUNTY BANK — Utica.

FRANCIS KERNAN, President.

(Organized 1853.)

J. M. BUTLER, Cashier.

RESOURCES.

	Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 29, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Loans and discounts less due from directors	\$432,437	\$450,130	\$433,456	\$462,441
Due from directors	16,061	17,076	29,076	28,127
Overdrafts	47	111	67	79
Due from trust companies, State, national and private banks and brokers	157,104	111,148	135,104	133,548
Real estate	10,489	10,489	10,489	10,489
Stocks and bonds	23,400	23,600	23,400	23,400
Specie	8,049	9,744	10,773	19,546
United States legal tender notes and circulating notes of national banks,	27,624	13,708	15,659	27,547
Cash items	3,381	4,644	5,256	8,795
Loss and expense account	3,737	621	2,635	858
Assets not included in either of the above heads	108	.....	135	547
Add for cents	3	2	3	3
Total resources	\$682,440	\$641,273	\$666,053	\$765,380

LIABILITIES.

Capital	\$125,000	\$125,000	\$125,000	\$125,000
Undivided profits	115,272	110,039	117,347	109,778
Circulation	3,092	3,092	3,092	3,092
Due depositors on demand	432,375	388,662	413,304	517,172
Due to trust companies, State, national and private banks and brokers.	6,700	14,479	7,310	9,821
Amount due not included in either of the above heads	.....	.....	.....	516
Add for cents	1	1	.....	1
Total liabilities	\$682,440	\$641,273	\$666,053	\$765,380

ORIENTAL BANK — New York City.
(Organized 1880.)

WASHINGTON A. HALL, President.

CLINTON W. STARKEY, Cashier.

RESOURCES.	Statement of condition, December 18, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 18, 1880.	Statement of condition, September 18, 1880.
Loans and discounts less due from directors.....	\$1,310,843	\$1,353,736	\$1,263,525	\$1,515,618
Due from directors.....	56,328	60,987	79,824	71,570
Overdrafts.....	352	1,072	399	1,625
Due from trust companies, State, national and private banks and brokers.....	138,833	50,594	99,844	87,296
Real estate.....	80,900	80,900	80,900	80,900
Stocks and bonds.....	120,090	112,875	116,875	131,425
Specie.....	21,830	25,637	22,682	32,238
U. S. legal tender notes and circulating notes of national banks.....	137,551	102,267	144,780	153,718
Cash items.....	82,164	105,748	73,501	96,709
Loss and expense account.....	19,829	4,764	11,551	4,505
Add for cents.....	4	2	3	2
Total resources.....	\$1,988,724	\$1,898,582	\$1,893,884	\$2,175,606
LIABILITIES.				
Capital.....	\$300,000	\$300,000	\$300,000	\$300,000
Surplus fund.....	150,000	150,000	150,000	150,000
Undivided profits.....	42,500	27,570	44,614	30,217
Due depositors on demand.....	1,495,310	1,419,610	1,398,524	1,691,693
Amount due not included in either of the above heads.....	913	1,401	745	3,695
Add for cents.....	1	1	1	1
Total liabilities.....	\$1,988,724	\$1,898,582	\$1,893,884	\$2,175,606

PACIFIC BANK — New York City.
(Organized 1880.)

JACOB CAMPBELL, President.

ROBERT BUCK, Cashier.

RESOURCES.

	Statement of condition, December 13, 1879.	Statement of condition, March 30, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Loans and discounts less due from directors	\$1,766,571	\$2,081,241	\$2,199,009	\$2,514,413
Due from directors	44,500	100,757	13,806	25,630
Overdrafts	.....	.....	702	.....
Due from trust companies, State, national and private banks and brokers	190,795	139,975	195,239	196,768
Real estate.	76,268	76,268	76,268	76,268
Stocks and bonds	5,000	5,000	1,000	1,000
Specie	150,942	457,452	435,267	316,062
U. S. legal tender notes and circulating notes of national banks	546,064	236,316	331,469	241,971
Cash items	357,650	237,810	245,589	202,024
Loss and expense account	4,507	6,264	5,162	4,803
Assets not included in either of the above heads	1,000	1,000	6,000	1,000
Add for cents	2	2	3	2
Total resources	\$3,143,299	\$3,342,085	\$3,509,514	\$3,579,941

LIABILITIES.

Capital	\$422,700	\$422,700	\$422,700	\$422,700
Surplus fund	170,134	202,244	203,636	203,665
Undivided profits	45,911	19,186	24,987	27,632
Due depositors on demand	2,502,793	2,696,343	2,856,194	2,924,230
Amount due not included in either of the above heads	1,760	1,611	1,996	1,712
Add for cents	1	1	1	2
Total liabilities	\$3,143,299	\$3,342,085	\$3,509,514	\$3,579,941

PEOPLE'S BANK — New York City.

CHARLES F. HUNTER, *President.*

(Organized 1881.)

WILLIAM MILNE, Jr., *Cashier.*

RESOURCES.

	Statement of condition, Dec'ber 18, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Loans and discounts less due from directors.....	\$1,029,182	\$1,114,285	\$1,084,469	\$1,258,688
Due from directors.....	150,426	111,963	121,271	86,502
Due from trust companies, State, national and private banks and brokers.....	161,724	125,838	190,842	156,156
Real estate.....	86,563	86,563	86,563	91,963
Stocks and bonds.....	220,229	168,792	122,836	122,836
Specie.....	67,379	73,476	130,536	117,390
United States legal tender notes and circulating notes of national banks.....	110,254	134,631	122,993	174,536
Cash items.....	122,094	86,567	115,410	98,302
Loss and expense account.....	19,100	5,520	14,169	5,328
Add for cents.....	3	3	2	3
Total resources.....	\$1,966,954	\$1,907,638	\$1,989,091	\$2,110,804

LIABILITIES.

Capital.....	\$412,500	\$412,500	\$412,500	\$412,500
Surplus fund.....	112,836	115,472	113,842	111,817
Undivided profits.....	34,472	15,448	30,728	16,422
Circulation.....	5,415	5,415	5,415	5,415
Due depositors on demand.....	1,346,410	1,289,695	1,381,199	1,483,692
Due to trust companies, State, national and private banks and brokers.....	54,001	67,572	44,259	73,940
Amount due not included in either of the above heads.....	1,318	1,535	1,145	7,916
Add for cents.....	2	1	3	2
Total liabilities.....	\$1,966,954	\$1,907,638	\$1,989,091	\$2,110,804

PHOENIX BANK — Phoenix. (Organized 1880.)

E. G. HUTCHINSON, President.

E. MERRY, Cashier.

RESOURCES.

	Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Loans and discounts less due from directors.....	\$60,407	\$83,897	\$85,172	\$88,625
Due from directors.....	16,986	6,820	6,303	5,614
Overdrafts.....	3,395	648	1,609	1,067
Due from trust companies, State, national and private banks and brokers.	16,748	440	3,354	9,688
Real estate.....	8,225	8,225	8,225	8,225
Stocks and bonds.....	5,500	5,500	5,500	8,500
Specie.....	55	697	742	429
United States legal tender notes and circulating notes of national banks	3,003	3,637	3,130	3,647
Cash items.....	758	743	1,313	679
Loss and expense account.....	844	250	762	1,044
Assets not included in either the above heads.....	1,660	1,173	1,171	1,171
Add for cents.....	3	5	4	4
Total resources.....	\$117,584	\$112,035	\$117,285	\$128,693

LIABILITIES.

Capital.....	\$50,000	\$50,000	\$50,000	\$50,000
Undivided profits.....	6,981	6,391	8,353	12,672
Due depositors on demand.....	54,149	47,287	49,987	63,905
Due to trust companies, State, national and private banks and brokers.	35	62	50	.....
Due individuals and corporations other than banks and depositors.....	6,418	7,343	8,569	1,941
Amount due not included in either of the above heads.....	1	450	325	175
Add for cents.....	1	2	1	.....
Total liabilities.....	\$117,584	\$112,035	\$117,285	\$128,693

AUGUSTUS T. POST, President.

PRODUCE BANK — New York City.
(Organized 1872.)

A. F. RIACH, Acting Cashier.

RESOURCES.

	Statement of condition, December 13, 1872.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, September 18, 1880.
Loans and discounts less due from directors.....	\$419,334	\$299,169	\$295,161	\$304,494
Due from directors.....	99,500	22,558	11,842	13,496
Overdrafts.....	1,188	3,351	5,638	5,948
Due from trust companies, State, national and private banks and brokers.....	3,492	1,541	608	1,041
Stocks and bonds.....	8,372	7,982	2,892	4,892
Specie.....	895	2,738	3,359	1,470
U. S. legal tender notes and circulating notes of national banks.....	41,263	19,512	34,165	36,615
Cash items.....	30,049	21,158	18,320	70,231
Loss and expense account.....	10,784	18,720	26,372	15
Assets not included in either of the above heads.....	9,228	9,228	9,332	10,124
Add for cents.....	3	4	2	4
Total resources.....	\$624,108	\$405,961	\$407,691	\$448,330

LIABILITIES.

	Statement of condition, December 13, 1872.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, September 18, 1880.
Capital.....	\$125,000	\$125,000	\$125,000	\$125,000
Surplus fund.....	57,000	.....	.....	.....
Undivided profits.....	16,657	19,682	20,993	138
Due depositors on demand.....	425,451	156,927	223,113	284,607
Due to trust companies, State, national and private banks and brokers.....	.....	62,000	.....	.....
Due individuals and corporations other than banks and depositors.....	.....	42,351	38,584	38,584
Add for cents.....	.....	1	1	1
Total liabilities.....	\$624,108	\$405,961	\$407,691	\$448,330

ROBERT GERE BANK—Syracuse.

JAMES J. BELDEN, *President.*

(Organized 1880.)

FREDERICK W. BARKER, *Cashier.*

RESOURCES.

	Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Loans and discounts less due from directors.....			\$354,683	\$340,301
Due from directors.....			1,000	800
Overdrafts.....				98
Due from trust companies, State, national and private banks and brokers			16,810	37,307
Stocks and bonds.....			1,000	1,000
Specie.....			766	1,349
United States legal tender notes and circulating notes of national banks.			8,002	9,796
Cash items.....			98	1,210
Loss and expense account.....			1,569	3,219
Add for cents.....			2	3
Total resources.....			\$383,930	\$395,083

LIABILITIES.

Capital.....	.....	.....	\$100,000	\$100,000
Undivided profits.....	.....	.....	2,236	8,090
Due depositors on demand.....	.....	.....	130,499	284,755
Due to trust companies, State, national and private banks and brokers.	.....	.....	1,194	2,236
Due individuals and corporations other than banks and depositors.....	.....	.....	150,000	.....
Add for cents.....	.....	.....	1	2
Total liabilities.....	.....	.....	\$383,930	\$395,083

BANK OF ROCHESTER — Rochester. (Organized 1878.)

O. H. CHAPIN, President.

T. W. WHITTESEY, Cashier.

RESOURCES.

	Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Loans and discounts less due from directors.....	\$427,601	\$414,707	\$459,362	\$472,769
Due from directors.....	12,316	15,336	24,821	31,792
Overdrafts.....	1,770	2,578	1,969	1,661
- Due from trust companies, State, national and private banks and brokers	36,063	16,383	18,439	111,828
Real estate.....	4,388	4,516	4,513	4,636
Bonds and mortgages.....	6,302	6,102	6,102	4,500
Stocks and bonds.....	5,000	5,000	1,000	1,000
Specie.....	6,879	9,197	6,211	4,902
United States legal tender notes and circulating notes of national banks,	24,127	14,621	23,633	38,763
Cash items.....	15,397	9,147	23,356	4,529
Loss and expense account.....	7,641	3,543	5,446	2,816
Assets not included in either of the above heads.....	2,560	2,560	2,560	2,560
Add for cents.....	4	2	3	2
Total resources.....	\$550,048	\$503,692	\$577,115	\$681,758

LIABILITIES.

Capital.....	\$200,000	\$200,000	\$200,000	\$200,000
Undivided profits.....	18,928	15,626	23,971	23,678
Due depositors on demand.....	324,330	287,527	336,818	457,076
Due to trust companies, State, national and private banks and brokers,	1,215	538	11,986	1,003
Amount due not included in either of the above heads.....	5,573	.....	4,340	.....
Add for cents.....	2	1	.....	1
Total liabilities.....	\$550,048	\$503,692	\$577,115	\$681,758

SARATOGA COUNTY BANK—Waterford.

C. BOUGHTON, President.

(Organized 1871.)

PERRY EMIGH, Cashier.

RESOURCES.

	Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Loans and discounts less due from directors	\$164,081	\$165,821	\$163,879	\$177,909
Due from directors	3,533	10,537	8,804	3,104
Overdrafts	459	273	175	73
Due from trust companies, State, national and private banks and brokers ..	2,093	16,176	35,852	38,654
Real estate	38,400	38,400	36,150	36,150
Bonds and mortgages .....	.....	.....	1,000	1,000
Stocks and bonds	70,000	70,000	70,000	70,000
Specie	872	1,117	3,369	6,246
United States legal tender notes and circulating notes of national banks ..	9,125	5,888	13,232	4,429
Cash items	3,634	461	3,830	741
Loss and expense account	2,516	1,757	2,950	1,114
Add for cents	2	2	3	2
Total resources	\$294,715	\$310,432	\$339,244	\$339,422

LIABILITIES.

	Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Capital	\$100,000	\$100,000	\$100,000	\$100,000
Surplus fund	50,000	50,000	50,000	50,000
Undivided profits	13,149	11,569	13,842	10,456
Due depositors on demand	115,308	129,937	153,467	148,779
Due to trust companies, State, national and private banks and brokers ..	2,743	5,385	6,548	14,326
Due treasurer of the State of New York	13,514	13,514	15,359	15,673
Amount due not included in either of the above heads .....	.....	25	25	185
Add for cents	1	2	3	3
Total liabilities	\$294,715	\$310,432	\$339,244	\$339,422

BANK DEPARTMENT.

101

SCHENECTADY BANK — Schenectady.

ABRM. A. VAN VORST, President.

(Organized 1881.)

W. L. GOODRICH, Cashier.

RESOURCES.	Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 13, 1880.	Statement of condition, Sept'ber 13, 1880.
Loans and discounts less due from directors	\$254,152	\$249,780	\$270,364	\$269,463
Due from directors	12,736	9,600	4,000	1,800
Overdrafts	913	376	544	597
Due from trust companies, State, national and private banks and brokers, ...	16,075	72,579	31,247	39,787
Real estate	9,720	9,720	9,720	8,720
Bonds and mortgages	1,950	1,950	1,800	1,800
Stocks and bonds	29,225	29,225	29,225	29,225
Specie	1,623	1,560	7,080	5,725
United States legal tender notes and circulating notes of national banks, ...	13,582	11,384	22,879	16,079
Cash items	6,043	4,503	6,407	5,233
Loss and expense account	625	.....	625	.....
Add for cents	2	1	1	1
Total resources	\$346,646	\$390,678	\$383,892	\$377,380
LIABILITIES.				
Capital	\$100,000	\$100,000	\$100,000	\$100,000
Undivided profits	44,407	39,752	43,826	42,606
Due depositors on demand	200,202	249,844	239,478	234,235
Due to trust companies, State, national and private banks and brokers ..	1,642	450	215	30
Amount due not included in either of the above heads	395	630	372	507
Add for cents .....	.....	2	1	2
Total liabilities	\$346,646	\$390,678	\$383,892	\$377,380

BANK OF SKANEATELES — Skaneateles.

JOEL THAYER, President.

(Organized 1860.)

B. F. PETHERAM, Cashier

RESOURCES.	Statement of condition, Dec ber 12, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept ber 12, 1880.
Loans and discounts less due from directors	\$161,910	\$154,316	\$146,786	\$136,971
Due from directors	2,849	3,049	2,499	12,284
Due from trust companies, State, national and private banks and brokers	20,143	14,926	36,729	57,134
Stocks and bonds	5,000	5,000	1,000	1,000
Specie		376	394	782
United States legal tender notes and circulating notes of national banks	4,200	5,578	4,398	2,403
Cash items	909	5,465	692	416
Loss and expense account		150	431	159
Assets not included in either of the above heads	2,000	2,000	2,000	2,000
Add for cents	1	2	2	2
Total resources	\$197,012	\$190,862	\$194,931	\$213,151
LIABILITIES.				
Capital	\$60,000	\$60,000	\$60,000	\$60,000
Undivided profits	2,660	4,474	3,570	4,134
Due depositors on demand	121,987	113,017	114,119	114,266
Due to trust companies, State, national and private banks and brokers	12,364	13,370	17,242	13,860
Due to individuals and corporations other than banks and depositors				20,890
Add for cents	1	1		1
Total liabilities	\$197,012	\$190,862	\$194,931	\$213,151

GEORGE L. MORRIS, President.

STATE BANK — Chatham Village.
(Organized 1876.)

BANK DEPARTMENT.

103

	RESOURCES.			
	Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 13, 1880.
Loans and discounts less due from directors	\$61,027	\$56,137	\$62,135	\$82,844
Due from directors	13,905	7,764	14,530	15,146
Overdrafts			3,282	
Due from trust companies, State, national and private banks and brokers	33,147	43,969	47,866	47,058
Stocks and bonds	13,000	13,000	13,000	13,000
Specie	200	414	407	475
United States legal tender notes and circulating notes of national banks	1,754	8,009	6,937	5,053
Cash items	1,485	6,908	1,317	654
Loss and expense account	2,721		632	1,462
Assets not included in either of the above heads..	1,240	1,240	1,392	1,415
Add for cents	2	1	3	1
Total resources	\$128,481	\$137,442	\$151,501	\$167,108
LIABILITIES.				
Capital	\$50,000	\$50,000	\$50,000	\$50,000
Undivided profits	11,279	8,806	10,481	12,549
Due depositors on demand	56,246	72,342	85,443	97,025
Due to trust companies, State, national and private banks and brokers	10,955	6,294	5,577	7,533
Add for cents	1			1
Total liabilities	\$128,481	\$137,442	\$151,501	\$167,108

STATE BANK OF FORT EDWARD.
(Organized 1871.)

DAVID UNDERWOOD, *President.*GEORGE CLEMENTS, *Cashier.***RESOURCES.**

	Statement of condition, Dec ber 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept ber 18, 1880.
Loans and discounts less due from directors	\$123,511	\$115,148	\$124,295	\$120,077
Due from directors	17,244	16,694	17,437	16,117
Overdrafts	2,219	1,847	2,643	1,987
Due from trust companies, State, national and private banks and brokers	2,150	5,335	1,033	4,231
Real estate	4,829	4,829	4,829	4,829
Bonds and mortgages	2,200	2,200	2,200	2,200
Stocks and bonds	5,000	5,000	5,000	5,000
Specie	1,300	1,477	1,335	1,793
United States legal tender notes and circulating notes of national banks,	4,209	3,483	2,415	3,650
Cash items	6,586	5,875	2,840	4,169
Loss and expense account	3,247	4,218	3,218	4,298
Assets not included in either of the above heads	1,578	1,578	1,578	1,578
Add for cents	2	4	3	2
Total resources	\$174,075	\$167,688	\$168,826	\$169,931

LIABILITIES.

	Statement of condition, Dec ber 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept ber 18, 1880.
Capital	\$50,000	\$50,000	\$50,000	\$50,000
Undivided profits	18,252	18,927	19,874	18,830
Due depositors on demand	72,792	75,354	74,504	78,201
Due to trust companies, State, national and private banks and brokers,	9,018	1,895	4,762	3,054
Due treasurer of the State of New York	14,184	9,184	9,184	7,164
Amount due not included in either of the above heads	9,827	12,327	10,500	12,680
Add for cents	2	1	2	2
Total liabilities	\$174,075	\$167,688	\$168,826	\$169,931

STATE BANK OF RANDOLPH.

ADDISON CROWLEY, Vice-President.

(Organized 1874.)

C. F. ADAMS, Cashier.

RESOURCES.

	Statement of condition, December 18, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, September 18, 1880.
Loans and discounts less due from directors	\$184,147	\$200,752	\$205,922	\$220,567
Overdrafts	4,114	1,338	1,597	2,730
Due from trust companies, State, national and private banks and brokers	26,251	16,768	28,487	45,077
Real estate	7,950	7,950	7,950	7,950
Stocks and bonds	5,000	5,000	5,000	5,000
Specie	3,112	1,453	2,090	2,195
United States legal tender notes and circulating notes of national banks,	9,792	4,477	4,376	5,000
Cash items	2,056	938	276	218
Loss and expense account.	2,060	1,527	2,223	1,020
Assets not included in either of the above heads	2,117	2,117	2,117	2,117
Add for cents	3	2	3	2
Total resources	\$246,602	\$242,322	\$260,041	\$291,876

LIABILITIES.

Capital	\$100,000	\$100,000	\$100,000	\$100,000
Surplus fund	6,051	7,240	7,240	8,994
Undivided profits	7,997	3,311	7,111	3,644
Due depositors on demand	127,634	127,105	144,251	176,715
Due to trust companies, State, national and private banks and brokers	4,918	4,604	1,438	2,521
Add for cents	2	2	1	2
Total liabilities	\$246,602	\$242,322	\$260,041	\$291,876

STATE BANK OF SYRACUSE — Syracuse.

JOHN J. CROUSE, President.

(Organized 1873.)

M. J. MYERS, Cashier.

RESOURCES.	Statement of condition, Dec' ber 18, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept' ber 18, 1880.
Loans and discounts less due from directors.....	\$456,682	\$492,766	\$528,219	\$536,712
Overdrafts.....	205	91	127	244
Due from trust companies, State, national and private banks and brokers,.....	43,609	2,460	47,106	46,331
Real estate.....	16,169	15,139	15,023	14,869
Stocks and bonds.....	6,000	5,000	5,000	6,000
Specie.....	.....	200	157	530
United States legal tender notes and circulating notes of national banks,.....	4,659	14,937	5,369	8,961
Cash items.....	5,270	1,085	879	1,518
Loss and expense account.....	3,705	1,404	3,319	1,445
Assets not included in either of the above heads.....	6,731	5,731	5,731	5,731
Add for cents.....	3	3	4	2
Total resources.....	\$543,033	\$538,822	\$610,934	\$622,343
LIABILITIES.				
Capital.....	\$100,000	\$100,000	\$100,000	\$100,000
Undivided profits.....	26,978	24,325	33,580	25,997
Due depositors on demand.....	77,283	66,098	53,844	86,058
Due to trust companies, State, national and private banks and brokers.....	303,770	348,366	423,478	410,224
Due individuals and corporations other than banks and depositors.....	35,000	.....	.....	.....
Amount due not included in either of the above heads.....	.....	31	31	63
Add for cents.....	2	2	1	1
Total liabilities.....	\$543,033	\$538,822	\$610,934	\$622,343

STEUBEN COUNTY BANK — Bath.

DANIEL C. HOWELL, *President.*

(Organized 1861.)

WILLIAM E. HOWELL, *Cashier.*

RESOURCES.		Statement of condition, December 18, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June, 1880.	Statement of condition, September, 1880.
Loans and discounts less due from directors		\$116,338	.....	.....	.....
Overdrafts		48	.....	.....	.....
Due from trust companies, State, national and private banks and brokers		57,499	.....	.....	.....
Real estate		12,547	.....	.....	.....
Stocks and bonds		5,000	.....	.....	.....
Specie		1,949	.....	.....	.....
United States legal tender notes and circulating notes of national banks		13,962	.....	.....	.....
Loss and expense account		2,139	.....	.....	.....
Add for cents		3	.....	.....	.....
Total resources		\$209,485	.....	.....	.....
LIABILITIES.					
Capital		\$150,000	.....	.....	.....
Undivided profits		10,891	.....	.....	.....
Due depositors on demand		48,594	.....	.....	.....
Add for cents			.....	.....	.....
Total liabilities		\$209,485	.....	.....	.....

SUSQUEHANNA VALLEY BANK — Binghamton.
(Organized 1855.)

ROBERT A. CLARK, President.

JAMES W. MANIER, Cashier.

RESOURCES.

	Statement of condition, Dec'ber 18, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Loans and discounts less due from directors	\$309,472	\$359,929	\$322,960	\$314,268
Due from directors	18,997	17,437	10,262	10,361
Overdrafts	397	407	601	19,510
Due from trust companies, State, national and private banks and brokers	46,998	31,076	35,725	68,018
Real estate	1,509	1,500	1,500	1,500
Bonds and mortgages	80,000	80,000	80,000	80,000
Stocks and bonds	40,000	40,000	40,000	40,000
Specie	3,450	3,828	2,906	1,518
United States legal tender notes and circulating notes of national banks	5,685	3,161	6,350	5,789
Cash items	2,299	2,398	3,512	1,787
Loss and expense account	3,609	1,329	4,748	1,203
Assets not included in either of the above heads	22,943	21,911	21,919	21,837
Add for cents	1	4	3	3
Total resources	\$535,351	\$562,980	\$530,486	\$565,794

LIABILITIES.

Capital	\$100,000	\$100,000	\$100,000	\$100,000
Surplus fund	25,000	25,000	25,000	25,000
Undivided profits	15,401	14,873	20,349	13,994
Circulation	3,237	3,237	3,237	3,237
Due depositors on demand	358,150	392,182	347,558	394,649
Due to trust companies, State, national and private banks and brokers	32,562	27,678	34,042	28,848
Amount due not included in either of the above heads	1	8	.....	64
Add for cents	1	2	.....	2
Total liabilities	\$535,351	\$562,980	\$530,486	\$565,794

UNION BANK OF MEDINA.
(Organized 1861.)

W. H. WATSON, President.

E. C. BENNETT, Cashier.

RESOURCES.

	Statement of condition, Dec'ber 13, 1878.	Statement of condition, March 30, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Loans and discounts less due from directors.....	\$72,017	\$68,791	\$71,130	\$71,362
Due from directors.....	5,000	5,000	5,000	5,000
Overdrafts.....	508	544	3,512	120
Due from trust companies, State, national and private banks and brokers..	17,159	29,488	14,916	17,820
Real estate.....	20,483	7,000	7,000	7,000
Bonds and mortgages.....	6,575	6,583	6,583	7,272
Stocks and bonds.....	113	6,575	5,575	5,575
Specie.....	4,040	488	1,585	1,021
United States legal tender notes and circulating notes of national banks..	1,866	8,204	8,016	8,158
Cash items.....	2,462	1,578	490	1,483
Loss and expense account.....	2,002	2,196	2,989	741
Assets not included in either of the above heads.	3	2,000	2,506	2,000
Add for cents.....		4	4	4
Total resources.....	\$132,228	\$138,451	\$129,306	\$127,556

LIABILITIES.

Capital.....	\$50,000	\$50,000	\$50,000	\$50,000
Undivided profits.....	12,634	9,895	11,915	9,622
Circulation.....	1,001	1,001	1,001	1,001
Due depositors on demand.....	56,536	76,341	63,903	66,459
Due to trust companies, State, national and private banks and brokers..	454	647	2,205	76
Due individuals and corporations other than banks and depositors.....	520	565	281	397
Due treasurer of the State of New York.....	6,963			
Amount due not included in either of the above heads.....	4,117			
Add for cents.....	3	2	1	1
Total liabilities.....	\$132,228	\$138,451	\$129,306	\$127,556

WEST SIDE BANK — New York City.

GEORGE MOORE, President.

(Organized 1880.)

JNO. W. B. DOBLER, Cashier.

RESOURCES.

	Statement of condition, Dec 31, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept 18, 1880.
Loans and discounts less due from directors	\$1,314,389	\$1,448,208	\$1,658,853	\$1,946,760
Due from directors	51,905	38,074	40,131	15,091
Overdrafts	325	2,256	3,727	271
Due from trust companies, State, national and private banks and brokers.	359,265	348,983	496,682	439,702
Stocks and bonds	66,000	66,000	66,000	66,000
Specie	8,878	7,825	10,911	21,624
United States legal tender notes and circulating notes of national banks.	120,987	131,079	148,608	170,874
Cash items	12,128	5,759	14,452	10,839
Loss and expense account.	17,876	5,973	18,423	8,700
Assets not included in either of the above heads	887	225	2,810	245
Add for cents	2	1	4	3
Total resources	\$1,952,642	\$2,062,183	\$2,460,601	\$2,730,109

LIABILITIES.

Capital	\$200,000	\$200,000	\$200,000	\$200,000
Surplus fund	92,297	103,921	103,921	105,537
Undivided profits	43,716	18,644	41,389	20,830
Due depositors on demand	1,612,934	1,736,467	2,111,207	2,395,950
Amount due not included in either of the above heads	3,694	3,150	4,082	7,791
Add for cents	1	1	2	1
Total liabilities	\$1,952,642	\$2,062,183	\$2,460,601	\$2,730,109

WHITE'S BANK OF BUFFALO — Buffalo.

JAMES D. SAWYER, President.

(Organized 1893.)

ELISHA T. SMITH, Cashier.

RESOURCES.

	Statement of condition, Dec'ber 18, 1879.	Statement of condition, March 30, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Loans and discounts less due from directors	\$727,515	\$740,535	\$827,672	\$650,203
Due from directors	16,300	16,000	16,000	14,000
Overdrafts	349	2,283	1,268	2,414
Due from trust companies, State, national and private banks and brokers	51,903	58,283	49,898	244,130
Real estate	17,518	17,518	17,518	17,518
Bonds and mortgages	.....	4,392	4,307	4,400
Stocks and bonds	21,280	21,280	6,080	6,080
Specie	15,191	12,427	14,578	12,375
United States legal tender notes and circulating notes of national banks,	38,487	19,520	21,517	25,160
Cash items	1,906	1,291	2,060	2,684
Assets not included in either of the above heads	2,314	2,323	2,093	2,316
Add for cents	2	4	4	3
Total resources	\$892,765	\$895,856	\$962,995	\$981,283

LIABILITIES.

Capital	\$200,000	\$200,000	\$200,000	\$200,000
Undivided profits	42,916	38,937	48,688	39,044
Due depositors on demand	434,310	455,378	518,372	517,675
Due to trust companies, State, national and private banks and brokers.	215,538	201,541	179,532	173,690
Due treasurer of the State of New York	.....	.....	16,402	50,874
Add for cents	1	.....	1	.....
Total liabilities	\$892,765	\$895,856	\$962,995	\$981,283

SUMMARY showing the aggregate resources and liabilities of the banks of the State of New York, as exhibited by their reports to the Bank Department of their condition on the several dates named below.

RESOURCES.	Statement of condition, Dec'ber 13, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, S ept'ber 18, 1880.
Loans and discounts less due from directors	\$54,566,284	\$58,105,375	\$60,968,562	\$63,502,759
Due from directors	2,697,837	2,933,860	3,043,304	2,676,500
Overdrafts	101,255	72,847	99,722	89,668
Due from trust companies, State, national and private banks and brokers	7,812,183	6,776,732	6,911,732	7,734,352
Real estate	2,278,278	2,236,491	2,201,443	2,235,232
Bonds and mortgages	344,453	320,710	338,584	335,192
Stocks and bonds	6,372,599	3,929,967	3,654,596	3,476,213
Specie	3,740,795	4,248,071	6,480,677	5,231,764
United States legal tender notes and circulating notes of national banks	3,944,108	2,817,746	4,981,576	4,011,045
Cash items	11,316,651	8,232,119	11,635,157	10,056,225
Loss and expense account	590,723	238,929	417,253	218,523
Assets not included in either of the above heads	257,847	217,817	247,998	283,064
Add for cents	225	220	222	218
Total resources	\$94,023,238	\$90,131,084	\$100,980,826	\$98,350,755
LIABILITIES.				
Capital	\$19,163,200	\$18,638,200	\$18,738,200	\$18,738,200
Surplus fund	4,544,581	4,815,043	4,880,605	4,856,539
Undivided profits	3,559,667	3,017,888	3,619,281	3,201,641
Circulation	37,673	37,668	37,555	37,553
Due depositors on demand	58,454,053	55,766,544	63,185,080	61,795,773
Due to trust companies, State, national and private banks and brokers, ...	6,686,044	6,242,379	8,841,468	9,376,625
Due individuals and corporations other than banks and depositors	426,338	533,282	546,927	457,370
Due treasurer of the State of New York	678,618	565,982	585,356	732,372
Amount due not included in either of the above heads	472,936	513,381	546,245	654,552
Add for cents	128	117	109	130
Total liabilities	\$94,023,238	\$90,131,084	\$100,980,826	\$98,350,755

AGGREGATE of resources and liabilities of State banks in the city of New York, as shown by the reports of their condition on the several dates named below.

BANK DEPARTMENT.

113

RESOURCES.		Statement of condition, Dec'ber 18, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, Sept'ber 18, 1880.
Loans and discounts less due from directors		\$35,195,039	\$37,514,428	\$38,820,405	\$41,155,879
Due from directors		1,837,846	1,978,349	2,005,698	1,747,601
Overdrafts		35,097	17,281	20,741	21,154
Due from trust companies, State, national and private banks and brokers		3,456,408	2,855,964	3,081,724	3,096,084
Real estate		1,514,129	1,458,802	1,436,738	1,442,140
Bonds and mortgages		48,648	45,573	60,723	59,953
Stocks and bonds		2,841,193	1,291,201	1,133,987	980,900
Specie		3,554,577	4,001,825	6,236,984	4,968,722
United States legal tender notes and circulating notes of national banks		3,001,601	1,934,907	4,002,355	2,936,170
Cash items		10,738,056	7,842,611	11,066,837	9,592,848
Loss and expense account		405,108	142,351	236,655	124,771
Assets not included in either of the above heads		102,013	68,925	72,307	53,566
Add for cents		63	55	54	56
Total resources		\$62,729,838	\$59,207,272	\$68,175,208	\$66,179,844
LIABILITIES.					
Capital		\$11,825,200	\$11,500,200	\$11,500,200	\$11,500,200
Surplus fund		2,948,596	3,116,183	3,179,194	8,204,977
Undivided profits		2,250,249	2,012,069	2,311,554	2,009,768
Circulation		18,087	18,087	18,003	18,001
Due depositors on demand		40,062,370	36,316,850	43,910,225	41,378,151
Due to trust companies, State, national and private banks and brokers		5,210,799	5,655,970	7,006,336	7,697,556
Due individuals and corporations other than banks and depositors		203,220	400,248	91,475	97,364
Due treasurer of the State of New York		99,360	102,687	43,911	73,960
Amount due not included in either of the above heads		111,925	84,953	113,786	199,840
Add for cents		32	25	24	27
Total liabilities		\$62,729,838	\$59,207,272	\$68,175,208	\$66,179,844

AGGREGATE of resources and liabilities of State banks outside of the city of New York, as shown by the reports of their condition on the several dates named below.

RESOURCES.	Statement of condition, December 12, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, September 18, 1880.
Loans and discounts less due from directors.....	\$19,298,429	\$20,531,992	\$22,080,233	\$22,268,736
Due from directors.....	858,202	952,274	1,033,715	923,570
Overdrafts.....	65,707	54,831	78,376	68,048
Due from trust companies, State, national and private banks and brokers,	4,312,099	3,828,306	3,806,449	4,618,655
Real estate.....	763,499	777,139	764,205	792,592
Bonds and mortgages.....	294,253	273,785	276,534	273,912
Stocks and bonds.....	3,524,942	2,632,352	2,506,470	2,482,091
Specie.....	184,946	244,614	241,952	261,322
U. S. legal tender notes and circulating notes of national banks.....	935,385	849,307	972,674	1,061,395
Cash items.....	576,910	389,061	506,707	462,126
Loss and expense account.....	185,185	95,721	179,005	91,906
Assets not included in either of the above heads.....	155,734	148,690	175,591	229,398
Add for cents.....	122	132	128	125
Total resources.....	\$31,155,413	\$30,778,204	\$32,682,039	\$33,541,876
LIABILITIES.	Statement of condition, December 12, 1879.	Statement of condition, March 20, 1880.	Statement of condition, June 12, 1880.	Statement of condition, September 18, 1880.
Capital.....	\$7,303,000	\$7,103,000	\$7,203,000	\$7,203,000
Surplus fund.....	1,595,985	1,699,360	1,700,811	1,651,462
Undivided profits.....	1,398,453	1,003,191	1,303,636	1,186,476
Circulation.....	19,280	19,275	19,246	19,246
Due depositors on demand.....	18,292,563	18,307,399	19,198,738	20,333,897
Due to trust companies, State, national and private banks and brokers.....	1,472,686	1,621,161	1,831,078	1,677,498
Due individuals and corporations other than banks and depositors.....	223,118	133,034	455,452	360,006
Due treasurer of the State of New York.....	579,258	463,295	541,445	658,412
Amount due not included in either of the above heads.....	361,011	428,428	428,584	451,812
Add for cents.....	59	61	49	67
Total liabilities.....	\$31,155,413	\$30,778,204	\$32,682,039	\$33,541,876

TABLE No. 14.

Comparative statement of sundry items of resources and liabilities of the State banks, as shown by their reports for the last quarter in each year, since the passage of the act of the Legislature enabling the conversion of State banks into national banks, passed March 9, 1865.

DATE.	Capital.	Due depositors on demand.	Loans and discounts.	Specie.	Profits and surplus.	Total resources.	No. of banks.
September 30, 1865.	\$20,436,970	\$43,164,881	\$57,886,884	\$3,162,230	\$5,113,623	\$87,165,792	112
September 30, 1866.	15,443,477	40,573,591	37,420,710	1,638,194	-4,579,410	72,622,063	86
September 30, 1867.	14,686,189	34,964,790	35,413,421	1,781,591	5,125,540	81,133,061	61
September 30, 1868.	14,578,290	40,990,922	39,435,487	2,150,393	5,758,181	87,890,319	44
September 30, 1869.	18,205,924	60,517,891	47,743,597	1,387,744	6,805,689	92,382,091	55
September 30, 1870.	19,759,810	46,535,437	46,435,920	1,874,682	7,384,299	79,251,601	59
August 31, 1871.	23,061,020	61,908,371	56,318,799	2,162,584	7,624,172	100,421,820	69
September 31, 1872.	24,845,040	75,491,383	66,076,361	1,231,772	8,624,172	117,858,311	70
September 12, 1873.	28,958,890	70,738,491	71,073,544	2,916,213	9,256,783	116,536,734	80
September 22, 1874.	28,336,290	62,471,806	66,435,759	1,846,556	9,754,764	111,180,340	81
September 18, 1875.	24,915,090	61,834,137	68,191,919	815,256	9,504,043	107,071,918	84
September 24, 1876.	24,463,317	56,174,912	63,062,801	1,600,943	8,586,066	100,759,644	84
September 22, 1877.	22,729,100	54,022,718	57,906,952	2,130,069	7,702,000	96,385,429	81
September 21, 1878.	20,548,200	50,540,621	51,626,029	2,744,524	7,230,252	86,655,470	75
September 13, 1879.	19,953,200	52,259,589	51,174,579	1,587,230	7,236,465	86,663,182	73
September 18, 1880.	18,738,300	61,766,773	66,179,259	5,231,764	8,066,180	99,350,755	68

TRUST COMPANIES.

*Statement of the Results of the Examinations of Trust Companies, etc.,
under Chapter 324, Laws of 1874.*

Brooklyn Trust Company, Brooklyn.

[Examined November 19 and 20, 1880.]

ASSETS.	Rate of Int.	Amount at par.	MARKET VALUE.		Totals.
			Rate.	Amount.	
Bonds and mortgages.. .. .		\$75,000 00	Estimated by Co.		\$82,000 00
Real estate					99,000 00
United States bonds, 1881.. .. .	5	250,000 00	101½	\$253,750 00	
United States bonds, 1907	4	100,000 00	111½	111,875 00	
Brooklyn city bonds, 1885.. .. .	7	3,000 00	108	3,240 00	
Town of Flatbush bonds, '81 to '89	7	9,000 00	104	9,360 00	
Wabash Equipment Co. trustees' certificate	8	7,200 00	100	7,200 00	
Boston & N. Y. Air Line R. R. bonds, 1885.. .. .	7	25,000 00	105	26,250 00	
Wabash R. R. 1st mortgage bonds, Hannibal & Naples division, 1909	7	6,000 00	100	6,000 00	
Indiana, B. & West. R.R. 1st m't. pr'f. bds, 1900	7	2,000 00	120	2,400 00	
Ulster & Del. R. R. 2d mort. income, 1905		75,600 00	20	15,120 00	
Bills receivable					435,195 00
Loans secured by collaterals					15,000 00
Cash on hand and deposited					1,739,680 00
Interest accrued.. .. .					75,061 68
					17,437 67
LIABILITIES.					\$2,443,404 33
Capital stock paid in		400,000 00			
Due depositors		1,844,772 11			
Dividend unpaid		72 50			
Interest, taxes, salaries and rents accrued and rebate on bills purchased		80,673 37			
Surplus					2,275,517 98
					\$167,886 35

Central Trust Company of New York City.

[Examined November 20, 1890.]

ASSETS.	Rate of Int.	Amount at par.	MARKET VALUE.		Totals.
			Rate.	Amount.	
United States bonds.....	4½	\$100,000 00	112¼	\$112,250 00	
United States bonds, currency, 1895.....	6	51,000 00	130	66,300 00	
United States bonds, currency, 1896.....	6	6,000 00	131	7,860 00	
United States bonds, currency, 1897.....	6	250,000 00	131	327,500 00	
United States bonds, currency, 1898.....	6	530,000 00	133	704,900 00	
United States bonds, currency, 1899.....	6	63,000 00	134	84,420 00	
Erie Railway consolidated mort. bond, 1920..	7	150,000 00	126	189,000 00	
Indiana, Bloomington and Western R. R. first preferred mortgage bonds, 1900.....	7	50,000 00	120	60,000 00	
Louisville and Nashville R. R. Co. purchase money trust, 1884.....	6	50,000 00	100	50,000 00	
New York city, consolidated stock, 1896, 1928.	6	100,000 00	120	120,000 00	
Cash on hand and in bank.....					\$1,722,230 00
Loans secured by collaterals.....					51,147 81
Bills purchased.....					3,113,159 04
Bonds and mortgages.....					709,641 63
Interest accrued.....					28,000 00
					25,891 58
					\$5,658,070 06
LIABILITIES.					
Capital stock.....		1,000,000 00			
Due to depositors.....		4,166,799 30			
Interest, taxes, rent and salaries accrued and rebate on bills purchased.....		62,052 35			
					5,228,851 65
Surplus.....					\$429,218 41

Farmers' Loan and Trust Company, New York City.

[Examined November 11 and 12, 1890.]

ASSETS.	Rate of Int.	Amount at par.	MARKET VALUE.		Totals.
			Rate.	Amount.	
United States bonds, 1881.....	6	\$100,000 00	104¾	\$104,375 00	
United States bonds, 1907.....	4	500,000 00	110	550,000 00	
United States bonds, 1891.....	4½	900,000 00	111½	1,000,125 00	
United States bonds, 1881.....	5½	100,000 00	101¾	101,750 00	
Joliet and No. Indiana R. R. 1st mort. bonds, guaranteed by Michigan Cent. R. R.....	7	8,000 00	100	8,000 00	
Marquette, Houghton and Ontonagon R. R., 228 shares preferred stock, par \$100.....		22,800 00	40	37,120 00	
New York city, revenue bonds, 1880.....	4	4,000 00	100&I	4,000 00	
Bonds and mortgages.....					\$1,805,370 00
Bills receivable.....					17,250 00
Temporary loans, secured by collaterals.....					30,000 00
Cash on hand and in bank.....					10,179,600 00
Due from trusts.....					121,141 89
Sundry accounts.....					45,329 00
Accrued interest.....					4,858 60
					42,450 95
					12,246,600 44
LIABILITIES.					
Capital stock.....		1,000,000 00			
Sundry accounts.....					350,087 64
Deposits in trust.....					9,540,135 64
Accrued interest on deposits.....					98,618 71
Internal revenue taxes accrued.....					18,008 16
					11,007,045 15
Surplus.....					\$1,239,555 29

New York Life Insurance and Trust Company, New York City.

[Examined November 26, 1880, and subsequent days.]

ASSETS.	Rate of Int.	Amount at par.	MARKET VALUE.		Totals.
			Rate.	Amount.	
Bonds and mortgages.....					1,414,989 99
United States bonds, 1881.....	5	\$500,000 00	101½	\$506,875 00	
United States bonds, 1891.....	4½	1,400,000 00	112½	1,575,000 00	
United States bonds, currency, 6's, 1895 to 1899.....	6	734,000 00	130	954,200 00	
Massachusetts State bonds, 1883 to 1895.....	5	851,000 00	112½	953,120 00	
New York State bonds, 1887 to 1893.....	6	438,700 00	Var	531,388 00	
Ohio State bonds, 1881.....	6	28,000 00	103	28,840 00	
New Hampshire State bonds, 1892 to 1900.....	6	21,500 00	122½	28,430 00	
New Jersey State bonds, 1882.....	6	40,000 00	104	41,600 00	
Del. Lack. & Western R. R. 2d mort'g bonds.....	7	358,000 00	102	365,180 00	
Morris & Essex R. R. 2d mortgage bonds.....	7	100,000 00	115	115,000 00	
Cent'l R.R. of N. Jersey, 1st mort'g bonds, 1890.....	7	39,000 00	118	46,020 00	
Warren R. R. Co. stock, 200 shares, par \$50.....		10,000 00	110	11,000 00	
Merchants' Nat. B'k stock, 220 shares, par \$50.....		11,000 00	134	14,740 00	
Gallatin Nat. Bank stock, 224 shares, par \$50.....		11,200 00	140	15,680 00	
Bank of America stock, 74 shares, par \$100.....		7,400 00	137	10,138 00	
Bills receivable.....					5,197,192 00
Loans secured by collaterals.....					4,134,403 88
Cash in banks and with bankers.....					4,006,866 06
Real estate:					52,252 94
Banking house.....				\$300,000 00	
Other real estate.....				88,700 00	
Insurance advanced.....					388,700 00
Suspense account, worth.....					78 00
Interest, rents and commissions accrued.....					90,370 00
					113,800 00
					15,396,652 37
LIABILITIES.					
Capital stock.....				1,000,000 00	
Due to depositors.....				11,766,249 28	
Annuities granted.....				191,562 74	
Life Insurance.....				210,200 00	
Interest and taxes accrued and rebate on bills receivable.....				359,500 00	
					13,527,512 02
Surplus.....					\$1,871,140 35

Real Estate Trust Company, New York City.

[Examined November 19 and 22, 1880.]

ASSETS.	Rate of Int.	Amount at par.	MARKET VALUE.		Totals.
			Rate.	Amount.	
Bonds and mortgages.....					\$39,016 81
Cash on hand and in banks.....					41,607 87
Loans secured by collaterals.....					357,517 59
Cash with Seligman & Co., London.....					350 97
Cash advanced C. & E. L. Coal Company.....					273 56
54¼ shares stock Real Estate Trust Company.....		\$5,425 00	100		5,425 00
Real estate, cost.....		566,778 55		appr'd at	661,775 00
Taxes and insurance advanced.....					128 06
Accrued interest.....					4,841 21
Accrued rents.....					795 75
					1,111,743 83

Real Estate Trust Company, New York City — (Continued.)

[Examined November 9 and 22, 1880.]

LIABILITIES.	Rate of Int.	Amount at par.	MARKET VALUE.		Totals.
			Rate.	Amount.	
Capital stock		\$500,000 83			
Due to depositors		534,348 48			
Mortgage bonds		18,000 00			
Mortgage on real estate owned by company		6,000 00			
Accrued interest		1,084 05			
Accrued taxes, rent and salaries		2,037 70			
Due to individuals		1,083 52			
					1,082,594 58
Surplus					\$49,149 24

Trust and Deposit Company of Onondaga, Syracuse.

[Examined July 15 and 16, 1880.]

ASSETS.	Rate of Int.	Amount at par.	MARKET VALUE.		Totals.
			Rate.	Amount.	
Bonds and mortgages	6	\$31,700 00			
Bonds and mortgages	7	2,750 00			\$35,450 00
United States bonds	4½	\$110,000 00	110½	\$121,137 50	
Plus town bonds, 1884 to 1887	7	4,000 00	90	3,600 00	
Mortgage of DeRuyter bonds, 1889	7	500 00	100&I	500 00	
City of Syracuse bonds, 1900	7	500 00	120&I	600 00	
Syracuse Northern R. R. bonds, 1901	7	10,000 00	103&I	10,300 00	
Light Company of Syracuse bonds, 1893	8	2,000 00	108&I	2,160 00	
Venue & Syracuse R. R. 2d mort'g bonds, 1885	7	3,000 00	100&I	3,000 00	
					141,297 50
Loans	6				46,923 07
Loans	6				189,995 00
On hand		3,525 88			
On State Bank, Syracuse		401,318 20			
On Knauth, Nachod & Kühne, New York		323 98			
On A. C. Morgan & Co., New York		162 39			
On First National Bank, New York		19,999 98			
					425,390 48
Accrued interest					2,917 34
Fees, furniture and fixtures					4,000 00
					\$875,913 34
LIABILITIES.					
Capital stock		\$100,000 00			
Amount due to depositors		752,932 78			
Estimated accrued interest on deposits		1,173 32			
Accrued rent, salaries and taxes		907 50			
					855,013 60
Surplus					\$20,899 74

Union Trust Company, New York City.

[Examined November 13, 1880, and subsequent days.]

ASSETS.	Rate of Int.	Amount at par.	MARKET VALUE.		Totals.
			Rate.	Amount.	
United States bonds	4	\$350,000 00	110½	\$386,750 00	
United States bonds	4½	100,000 00	111½	111,750 00	
United States bonds, currency, 1898	6	169,000 00	130	219,700 00	
United States bonds, currency, 1899	6	181,000 00	131	237,110 00	
United States bonds, 1881	6	250,000 00	104½	261,250 00	
United States bonds, 1881	5	300,000 00	101½	305,250 00	
Consolidated mortgage, sinking fund bonds, Lake Shore & Mich. Southern R. R. Co., 1900.	7	100,000 00	126	126,000 00	
Boonville R. R. Bridge Co., 1st mort. sinking fund, gold bonds, 1906	7	100,000 00	95	95,000 00	
Bonds and mortgages					\$1,742,810
Real estate					14,600
Cash on hand and in bank					681,853
Loans, secured by collaterals					13,320,287
Interest and commissions accrued					99,753
					15,861,304
LIABILITIES.					
Capital stock		1,000,000 00			
Due to depositors		14,096,789 62			
Unpaid dividends and coupon checks outstanding		23,636 59			
Certified checks outstanding		23,543 71			
Expenses, taxes and interest accrued		136,715 59			
					15,280,685
Surplus					\$580,618

United States Trust Company, New York City.

[Examined November 16 and 17, 1880.]

ASSETS.	Rate of Int.	Amount at par.	MARKET VALUE.		Totals.
			Rate.	Amount.	
Bonds and mortgages					\$2,396,543
United States bonds, 1891	4½	1,680,000 00	111½	1,879,500 00	
United States bonds, 1907	4	630,000 00	110½	698,512 50	
Bond of the corporation of Trinity C'eh, 1882	5	110,000 00	100 & 1	110,000 00	
Loans on collateral					2,698,012
Bills purchased					17,348,142
Cash					6,669,598
Real estate, banking house and other real estate, valued at					324,454
Interest accrued					350,000
					170,398
					29,947,149
LIABILITIES.					
Capital stock				2,000,000 00	
Due to depositors				23,676,161 90	
Interest accrued on deposits				458,897 96	
Taxes accrued				60,340 99	
Rebate on bills purchased				53,551 23	
					26,257,952
Surplus					\$3,689,197

MORTGAGE COMPANIES.

Equitable Trust Company of New London, Conn., New York City.

[Examined November 22, 1890, and subsequent days.]

ASSETS.	Rate of Int.	Amount at par.	MARKET VALUE.		Totals.
			Rate.	Amount.	
Mortgage loans.		5,382,098 14			
Special mortgage loans.		74,750 00			
Mortgage notes.		97,198 72			
May, 1890, loans.		432,237 96			
November, 1879, loans.		281,835 74			
November, 1880, loans.		951,631 43			
May, 1879, loans.		144,654 18			
May, 1878, loans.		19,681 66			
Real estate.					\$7,494,087 78
Interest due from borrowers.					2,055,992 73
Insurance and taxes advanced.					313,809 96
Cash on hand and with banks and bankers, and in hands of trustees.					46,173 08
Due from sundry debtors.					181,019 14
					8,208 74
					10,089,291 43
LIABILITIES.					
Capital stock paid in in cash.				1,500,000 00	
Guaranteed mortgage bonds sold.				4,444,850 00	
Debentures, May, 1889.				1,150,000 00	
Debentures, Nov. 1889.				950,000 00	
Debentures, May, 1890.				844,000 00	
Debentures, Nov. 1890.				622,000 00	
Trustee certificates, May, 1882.				11,000 00	
Guaranteed mortgage bonds, due and out'd.				134,500 00	
Coupons not presented.				41,000 00	
Due to sundry creditors.				74,680 68	
Loan from Chemical National Bank.				50,000 00	
					\$9,821,530 68
Surplus.					\$217,760 75

Mercantile Trust Company, New York City.

[Examined November 6, 1880, and subsequent days.]

ASSETS.	Rate of Interest.	Amount at par.	MARKET VALUE.		Totals.
			Rate.	Amount.	
Western Freehold mortgages		\$1,783,721 61			
Other bonds and mortgages		81,757 19			
Loans secured by collaterals					\$1,865,478 80
United States bonds	4	\$480,850 00	110	\$539,935 00	621,207 32
New York, Ontario and Western R. R. common stock, 1,158 shares		115,800 00	28 1/2	30,687 00	
New York, Ontario and Western R. R., preferred stock		386 10	80	308 88	570,930 88
Brooklyn City and Newtown R. R. stock, 5,550 shares		555,000 00		Est. worth	450,937 50
Terre Haute and Logansport R. R. stock, 193 shares, par \$50		9,650 00		Est. worth	4,825 00
Portland and Ogdensburg R. R. E. D. bonds	4	80,000 00		Est. worth	22,400 00
Cash on hand and in banks		\$83,528 84			
Cash with Smith, Payne & Smith, London		4,815 93			
Cash with G. E. Gouraud, London		23,338 60			
Real estate, cost		\$894,321 06		Est. at	111,681 37
Bills receivable					901,354 56
Manager's and unadjusted accounts					17,200 00
Overdue interest on mortgages					18,991 68
Interest accrued					46,572 03
					36,311 96
					\$4,677,891 10
LIABILITIES.					
Capital stock		\$2,000,000 00			
Guaranteed mortgage bonds sold		1,396,800 00			
Debentures sold		516,050 00			
Due to depositors		13,083 57			
Bills payable		400,000 00			
Coupons not presented for payment		23,129 07			
Payments on account of principal of mortgages and insurance collected, not yet credited		56,288 08			
Interest accrued		22,433 10			
					\$4,427,563 82
Surplus					\$250,307 28

United States Mortgage Company, New York City.

[Examined November 24, 1880, and subsequent days.]

ASSETS.	Rate of Interest.	Amount at par.	MARKET VALUE.		Totals.
			Rate.	Amount.	
Mortgage loans, assumed to be good		\$3,987,825 52			
Interest accrued on same		54,579 80			
Interest in arrears on same		203,814 82			
Interest on interest on same		43,841 13			
Interest on charges on same		47,000 00			
Taxes and other charges advanced on same		152,672 82			
					\$4,489,733 99
Real estate:					
Principal of mortgages foreclosed		\$817,240 00			
Less insurance collected		105,943 15			
		\$711,296 85			
Interest accrued to date of foreclosure		78,511 89			
Taxes, etc., advanced, less income received		81,580 00			
					871,388 74
Carried forward					\$5,361,122 73

United States Mortgage Company, New York City—(Continued).

ASSETS.	Rate of Interest.	Amount at par.	MARKET VALUE.		Totals.
			Rate.	Amount.	
Brought forward					5,361,123 73
Real estate, 50 Wall street, New York		\$555,785 01			
Less mortgage on same		300,000 00			
					255,785 01
Refrigerators and steam heating, accrued					5,812 50
German House furniture, cost					66,115 82
Cash on hand and on deposit with banks and bankers					845,738 71
Accrued interest on deposits					3,000 00
					\$6,537,554 77
LIABILITIES.					
Capital stock		\$1,000,000 00			
Bonds, series A, payable June 1, 1912, \$940,000, at \$4 82	6	4,530,800 00			
Accrued interest on same to December 1		135,924 00			
Bonds, series C, April 1, 1923	6	768,800 00			
Accrued interest on same to December 1		7,889 00			
Advance on interest collected in advance		5,484 08			
Balance due European branch.		109,848 47			
Accrued expenses		1,800 00			
					6,580,223 55
Deficiency or impairment of capital					\$22,668 78

Interest, both as a debit and a credit, is carried to December 1.

INDEX.

A.	PAGE.	H.	PAGE.
any County Bank	40	Henry D. Barto & Co.'s Bank	69
merica, Bank of	41	Hornellsville, Bank of	70
antic State Bank	42	Howell M. Reeve, banker	71
ica, Bank of	43		
B.		I.	
dwinsville State Bank	44	Island City Bank	72
aria, Bank of	45		
oklyn Bank	46	J.	
falo, Bank of	47	Johnstown Bank	73
ks doing business	24	L.	
ks, general statement of those in the		Long Island Bank	74
ty of New York	113	M.	
ks, general statement of all	112	Manhattan Company	75
ks, general statement of those out-		Manufacturers' Bank, Cohoes	76
de of the city of New York	114	Manufacturers and Merchants' Bank ..	77
oklyn Trust Company, examination		Manufacturers and Traders' Bank	78
	116	Marine Bank, Buffalo	79
		Mechanics' Bank, Brooklyn	80
C.		Mechanics and Farmers' Bank	81
aract Bank	48	Mechanics and Traders' Bank	82
tral Bank of Westchester County ..	49	Mercantile Trust Company, examination	
tral Trust Company, examination of,	117	of	122
zens' Bank, Waverly	50	Merchants' Bank, Watertown	83
y Bank of Rochester	51	Metropolis, Bank of the	84
y Bank of Schenectady	52	Monroe, Bank of	85
merce, Bank of, Buffalo	53	Murray Hill Bank	86
mmercial Bank, Brooklyn	54		
n Exchange Bank	55	N.	
a State Bank	56	Nassau Bank	87
/		New York Life Insurance and Trust	
E.		Company, examination of	118
venth Ward Bank	57	New York State Banking Company	88
itable Trust Company, examination		North America, Bank of	89
	121	North River Bank	90
F.		O.	
mers' Bank, Fayetteville	58	Ogdensburg Bank	91
mers' Loan and Trust Company, ex-		Onelda County Bank	92
mination of	117	Oriental Bank	93
h Avenue Bank	59		
shing and Queens County Bank ..	60	P.	
ton Bank	61	Pacific Bank	94
G.		People's Bank	95
man-American Bank	62	Phoenix Bank	96
man Bank, Buffalo	63	Produce Bank	97
man Exchange Bank	64		
mania Bank	65	R.	
verneur, Bank of	66	Real Estate Trust Company, examina-	
enwich Bank	67	tion of	118
cers' Bank	68	Robert Gere Bank	98
		Rochester, Bank of	99

S.	PAGE.	Tables — Continued.	PAGE.
Saratoga County Bank.....	100	Comparative statement of capital, deposits, etc., since 1885	115
Schenectady Bank	101	Detailed statement of condition of banks, together with general statements.....	39 to 114
Skaneateles, Bank of	102	Expenses on account of banks and trust companies.....	87
State Bank, Chatham Village	103	Incorporated banks that have advertised the redemption of their notes	29
State Bank of Fort Edward	104	Incorporated banks that have not advertised the redemption of their notes	30
State Bank of Randolph.....	105	Notes destroyed during the year.....	31
State Bank of Syracuse.....	106	Showing aggregate of securities and total circulation	22
Steuben County Bank	107	Trust and Deposit Company of Onondaga, Syracuse, examination of.....	119
Susquehanna Valley Bank	108		
		U.	
Tables:		Union Bank of Medina	109
Banks whose notes were advertised subsequent to 1850, time for redemption having expired.....	31	Union Trust Company, examination of..	130
Banks doing business.....	24	United States Mortgage Company, examination of	123
Banks whose time for redeeming their notes expired prior to Oct. 1, 1879, and at that date had balances of cash or stocks to their credit on the books of the department.....	29	United States Trust Company, examination of..	120
Banks having circulation, with names of redeeming agents.....	30		
Closing banks that have made final deposit of cash	27	W.	
Closing banks that have made final deposits of stocks	28	West Side Bank	110
Closing banks that do not report, and have not taken measures to close their circulation account.....	28	White's Bank of Buffalo..	111



STATE OF NEW YORK.

No. 6.

IN ASSEMBLY,

JANUARY 5, 1881.

RULES AND ORDERS

OF THE ASSEMBLY OF THE STATE OF NEW YORK.

ADOPTED BY THE ASSEMBLY JANUARY 7, 1880, AND REFERRED TO
COMMITTEE ON RULES.

CHAPTER I.

OF THE POWERS AND DUTIES OF THE SPEAKER.

RULE 1. The speaker shall take the chair each day at the hour to which the house shall have adjourned. He shall call to order, and, except in the absence of a quorum, shall proceed to business in the manner prescribed by these rules.

RULE 2. He shall possess the powers and perform the duties herein prescribed, viz.:

1. He shall preserve order and decorum.
2. He shall decide all questions of order, subject to appeal to the house. On every appeal he shall have the right, in his place, to assign his reason for his decision.
3. He shall appoint all committees, except where the house shall otherwise order.
4. He may substitute any member to perform the duties of the chair for a period not exceeding two consecutive legislative days, but for no longer period, except by special consent of the house.
5. When the house shall be ready to go into committee of the whole, he shall name a chairman to preside therein.
6. He shall certify the passage of all bills by the house, with the date thereof, together with the fact whether passed as a majority, three-fifths or two-thirds bills, as required either by the constitution or laws of this State.

7. He shall designate the persons who shall act as reporters for the public press, not exceeding twenty-three in number; but no reporter shall be admitted to the floor who is not an authorized representative of a daily paper. Such reporters, so appointed, shall be entitled to such seats as the speaker shall designate, and shall have the right to pass to and from such seats in entering and leaving the assembly chamber.

8. In case of any disturbance or disorderly conduct in the galleries or lobby, the speaker shall have power to order the same to be cleared.

CHAPTER II.

OF THE ORDER OF BUSINESS.

RULE 3. The first business of each day's session shall be the reading of the journal of the preceding day, and the correction of any errors that may be found to exist there. After which, except on days and at times set apart for the consideration of general or special orders, the order of business, which shall not be departed from, except by unanimous consent of the house, shall be as follows, viz.:

1. Introduction of bills by counties, in alphabetical order.
2. Reports of standing committees in the order to which the committees are stated in rule fourteen.
3. Presentation of petitions by counties, in alphabetical order.
4. Motions and resolutions, to be called for by counties in reverse order.
5. Reports of select committees.
6. Third reading of bills.
7. The preferred calendar of general orders.
8. Unfinished business of the general orders.
9. Special orders of the day.
10. General orders.

Messages from the governor and from the senate, communications from State officers, and reports from the committees on engrossed bills, public printing and sub-committee of the whole, may be received under any order of business.

CHAPTER III.

OF THE RIGHTS AND DUTIES OF MEMBERS.

RULE 4. Petitions, memorials, and any other papers addressed to the house, shall be presented by the speaker, or by any member in his place.

RULE 5. Every member presenting a paper shall indorse the same; if a petition, memorial, or report to the legislature, with a brief statement of its subject or contents, adding his name; if a notice or resolution, with his name; if a report of a committee, a statement of such report, with the name of the committee and members making the same; if a bill, a statement of its title, with his name.

RULE 6. Every member who shall be within the bar of the house when a question is stated from the chair, shall vote thereon, unless he be excused by the house, or unless he be directly interested in the

question; but no member shall be obliged to vote on any question unless within the bar when his name is called. The bar of the house shall be deemed to include the body of the assembly chamber.

CHAPTER IV.

OF ORDER AND DECORUM.

RULE 7. No member rising to debate, to give a notice, make a motion or report, or to present a petition or other paper, shall proceed until he shall have addressed the speaker, and have been recognized by him.

RULE 8. While a member is speaking, no member shall entertain any private discourse or pass between him and the chair.

RULE 9. While the speaker is putting a question, or a count is being had, no member shall speak or leave his place.

RULE 10. When a motion to adjourn is carried, the members and officers shall keep their seats and places until the speaker declares the house adjourned.

CHAPTER V.

OF ORDER IN DEBATE.

RULE 11. No member shall speak more than once to the same general question, without leave of the house, until every member desiring to speak on the question pending shall have spoken.

RULE 12. If any member, in speaking, transgress the rules of the house, the speaker, or any member, may call to order, in which case the member so called to order shall immediately sit down, and shall not rise unless to explain or proceed in order.

RULE 13. All questions relating to the priority of business, that is, the priority of one question or subject-matter over another, under the same order of business, shall be decided without debate.

CHAPTER VI.

OF COMMITTEES AND THEIR DUTIES.

RULE 14. The standing committees shall be as follows, viz.:

To consist each, of eleven members:

1. Ways and means.
2. Judiciary.
3. General laws.
4. Canals.
5. Affairs of cities.
6. Railroads.
7. Commerce and navigation.
8. Insurance.
9. Banks.
10. Internal affairs.
11. Affairs of villages.
12. Roads and bridges.
13. Public printing.

14. Public health.
15. Charitable and religious societies.
16. Public education.
17. Militia.
18. Claims.
19. Federal relations.

To consist each, of nine members :

20. Game laws.
21. State prisons.
22. State charitable institutions.
23. Privileges and elections.
24. Civil divisions.
25. Trade and manufactures.
26. Manufacture of salt.
27. Public lands.
28. Agriculture.
29. Indian affairs.
30. Petition of aliens.
31. Two-thirds and three-fifths bills.
32. Engrossed bills.
33. Grievances.
34. Expenditures of the house.
35. Expenditures of the executive department.

To consist each, of five members :

36. Rules.
37. Joint library.
38. There shall be also, a committee on "general orders," to be called the "sub-committee of the whole," to consist of sixteen members, viz. : two from each judicial district of the State ; whose duties are defined in rule 40.

RULE 15. It shall be the duty of each of the several committees to consider and report without unnecessary delay, upon the respective bills and other matters referred to it by the house ; and also to inquire into the matters indicated by its name, and to report thereon to the house any information, and any bill or resolution which it may deem conducive to the public interest.

RULE 16. It shall be the duty of the committee on ways and means to examine into all the departments of the government, whether executive, legislative, judicial or otherwise, where salaries or emolument are given ; to examine, ascertain, and report to the house what officers can be dispensed with, and what salaries or emoluments can be reduced, and how far consistent with the public good, and to take such action in regard to section eight of article seven of the constitution of this State as may be requisite.

RULE 17. It shall be the duty of the committee on two-thirds and three-fifths bills to carefully examine all bills coming within the ninth section of the first article, and the twenty-first section of article three of the constitution of this State ; and when any bill shall have passed in committee of the whole house, on which the speaker may entertain doubts whether it comes within the provisions of either of the said sections, it shall be referred to the said committee to examine and report thereon, before the question on the final passage shall be taken.

RULE 18. It shall be the duty of the committee on general laws to consider and report upon all bills and other matters which shall be referred to them. And they shall have authority to report such original general laws and such amendments to existing general laws as they shall deem in accordance with the requirements of the constitution. Every bill of a general character reported by them shall be placed on a preferred calendar of the general orders, which shall have precedence of the unfinished business of the general orders.

RULE 19. The committee on engrossed bills shall carefully examine, in the order in which they shall be directed by the house to be engrossed for a third reading, all bills so engrossed, and see that the same are correctly engrossed, and they shall immediately report the same in like order to the house before they are read the third time.

RULE 20. It shall be the duty of the committee on public printing to examine and report on all questions of printing referred to them; to examine, from time to time, and ascertain whether the prices charged for printing are in conformity to the contract therefor, and whether it is done in conformity to the orders of the house and without unreasonable delay; to ascertain and report what number of copies ought usually to be printed, and how distributed; and to report to the house, from time to time, any measures they may deem useful for the economical and proper management of the public printing.

RULE 21. It shall be the duty of the committee on expenditures of the house, and in the executive department, severally to inquire into the said expenditures, and whether the same have been made in conformity to law, and whether proper vouchers exist for the same, and whether the funds provided for the purpose are economically applied, and to report, from time to time, such provisions, laws and regulations as may conduce to economy, and to secure the faithful disbursement of the moneys appropriated by law.

RULE 22. All petitions, memorials and bills relating to claims upon the State, shall be referred to the standing committee upon claims for examination and report; but such committee shall not report a bill in any case where provision is made by law for the determination of the claim by any officer, board or tribunal, established for that purpose; but in cases where no such provision shall exist, they may report by bill providing for its audit and determination by the appropriate department or tribunal. No papers on the files of the house, which have been reported upon adversely by a committee on claims, shall be taken therefrom for a rehearing, unless the claimant shall present a petition, verified by his oath, showing that an error was committed in the former report, and that relief in the case may be obtained only through the action of the legislature.

RULE 23. It shall be the duty of the committee on game laws to consider all petitions, bills and other matters referred to them relating to the protection and preservation of game and fish, and to report thereon such measures as they shall deem conducive to the public interest.

CHAPTER VII.

OF THE GENERAL ORDERS AND SPECIAL ORDERS.

RULE 24. The matters referred to the committee of the whole house shall constitute the general orders, and their titles shall be recorded in

a calendar kept for that purpose by the clerk, in the order in which they shall be referred severally.

RULE 25. The business of the general orders shall be taken up in the following manner, viz.: The clerk shall announce the title of each bill or other matter, as it shall be reached in its order; whereupon it shall be taken up on the call of any member, without the putting of a question therefor; but if not so moved, it shall lose its precedence for the day. And whenever three bills have been thus moved the house shall go into committee of the whole upon them without further order. But no bill or other matter shall be taken out of its order except by vote of two-thirds of the members present, nor shall any unprinted bill be taken up unless by order of the house, on one day's notice thereof.

RULE 26. Tuesday and Thursday of each week shall be set apart especially for the consideration of the general orders; but they may be considered on any other day when reached in their order.

RULE 27. Each member shall be furnished daily with a printed list of the general orders, which shall be kept on his files by the sergeant-at-arms, in the same manner as other printed documents.

RULE 28. Any matter may be made a special order for any particular day, by the assent of two-thirds of the members present. But it shall not be in order to make any matter a special order from day to day, and no more than three bills or other matters shall be made the special order for the same day. No special order shall be postponed or rescinded, except by a vote of two-thirds of the members present.

CHAPTER VIII.

OF THE COMMITTEE OF THE WHOLE.

RULE 29. The same rules shall be observed in committee of the whole as in the house, so far as the same are applicable, except that the previous question shall not apply; nor the yeas and naves be taken.

RULE 30. A motion to rise and report progress shall be in order at any stage, and shall be decided without debate.

RULE 31. Bills and other matters shall be considered in committee of the whole in the following manner, viz.: They shall be first read through, if the committee so direct; otherwise they shall be read and considered by sections, leaving the title to be last considered. All amendments, in their proper connection, shall be reported to the house by the chairman.

RULE 32. If at any time when in committee of the whole house, it be ascertained that there is no quorum, the chairman shall immediately report the fact to the speaker.

CHAPTER IX.

OF BILLS.

RULE 33. No bill shall be introduced in the house, except in one of the following modes, viz.:

1. Under the order of introduction of bills by counties in alphabetical order.
2. By unanimous consent of the house.
3. By report of a committee.
4. By order of the house.
5. By message from the senate.

RULE 34. No private bill shall be introduced, but upon a memorial petition presented to the house and signed by the party or parties praying for the passage of the same, except by order of the house.

RULE 35. The title of all bills introduced shall state concisely the subject-matter of such bills.

RULE 36. Every message from the senate, communicating any bill or the concurrence of the house, shall, with the accompanying documents, if any, be referred to a standing or select committee to consider and report thereon, and every such message, communicating an amendment, shall be submitted to the house for its concurrence, unless otherwise ordered.

RULE 37. All bills, whether introduced in the house or communicated by message from the senate, shall, after their second reading, be referred to a standing or select committee, to consider, and report thereon. Such committee may report any bill, either with or without amendments, or they may report against the same. All bills favorably reported shall, if the report be agreed to, be committed to the committee of the whole; but where a bill has been reported adversely, and such report shall be agreed to by the house, it shall not go upon the general orders, but shall be considered as rejected.

RULE 38. Bills reported by the committee of the whole shall be subject to debate before the question to agree with the committee in their report is put; but such amendments only shall be in order as were offered in committee of the whole. And where a bill shall be reported by the committee of the whole, with the enacting clause stricken out, and the report shall be agreed to by the house, or a report favorable to the passage of a bill shall be disagreed to by a vote of the house, such bill shall be considered as rejected.

RULE 39. Every bill shall receive three separate readings, previous to its final passage, and the third reading shall be on a day subsequent to that on which the bill passed in committee of the whole, unless the house, by a vote of two-thirds of the members present, shall direct otherwise.

RULE 40. Any bill printed and upon the general orders, and which has been reported favorably by a standing committee, may be referred to the sub-committee of the whole by resolution in writing, reciting its number and its title in full, except it be

1. One that makes an appropriation from, or may create any charge upon, the State treasury.
2. Which authorizes or imposes any State tax, or which exempts or releases any property from taxation.
3. Which grants or amends any franchise to any individual or individuals, corporation or corporations.
4. Which releases or conveys the interest of the State in any property.
5. Which amends or repeals the charter of any savings bank or insurance company.
6. Which alters, amends or repeals any of the general statutes for the formation of any corporation.
7. Which alters, amends or repeals the charter of any railroad, plank-road or turnpike company, or of any private corporation, or which removes any restriction from any such company or increases the fare or compensation for traveling on the road or roads of any such company.

8. Which alters or amends the charters of any of the cities of the State.

Bills in such committees shall be considered in the same manner in committee of the whole house, except that the ayes and nays shall be taken on the question of reporting any bill, and that the assent of a majority of all the members of the committee shall be required to a favorable report.

Any bill so reported favorably by said committee may again be referred to the committee of the whole for consideration, upon the demand of thirty-five members of the house, made at any time before the third reading of such bill is completed.

The clerk of the house shall act as the clerk of such committee and keep a journal of its proceedings, and he shall submit with each report of the committee, a record of the action of the committee upon it; which report and record shall be printed and lie on the table of the house one day before consideration by the house.

RULE 41. No bill except such as shall be reported by the subcommittee of the whole in accordance with rule 40, shall be ordered to a third reading until it shall have been considered in committee of the whole; nor shall it be in order to refer any bill to a standing committee to report complete unless by the vote of two-thirds of the members present.

RULE 42. No bill originating in the assembly shall be put upon a third reading until it shall have been reported by the committee of engrossed bills as correctly engrossed, unless by unanimous consent. Nor shall any bill be read the last time, unless it shall have been once printed, without the consent of two-thirds of the members present.

RULE 43. The third reading of bills shall take place in the order in which they have been ordered to a third reading, unless the house, by a vote of two-thirds of the members present, direct otherwise, in which case the bill to be read is laid on the table. And the question on the final passage of every bill shall be taken immediately after such third reading, and without debate.

RULE 44. The same vote that would be required to pass any bill shall be requisite to carry a reconsideration thereof. But the final vote upon the passage of any bill creating, continuing or renewing any incorporation otherwise than municipal, shall not be reconsidered whenever such bill shall be rejected on its last reading.

RULE 45. A register shall be kept by the clerk of all bills introduced in the house, or transmitted for concurrence from the senate, in which shall be recorded, under appropriate heads, the progress of such bills, from the date of their introduction to the time of their transmission; if assembly bills, to the governor, or, if senate bills, to their return to the senate.

CHAPTER X.

ON MOTIONS AND THEIR PRECEDENCE.

RULE 46. When a question shall be under consideration, no motion shall be received except as herein specified, which motions shall have precedence in the order stated, viz.:

1. For an adjournment of the house.

2. A call of the house.
3. For the previous question.
4. To lay on the table.
5. To postpone indefinitely.
6. To postpone to a certain day.
7. To go into committee of the whole on the pending subject immediately.
8. To commit to a committee of the whole.
9. To commit to a standing committee.
10. To commit to a select committee.
11. To amend.

RULE 47. The motion to adjourn for the day and to lay on the table shall be decided without amendment or debate. The several motions to postpone or commit shall preclude all debate of the main question.

RULE 48. Every motion or resolution shall be first stated by the speaker, or read by the clerk, before debate and immediately before putting the question. And every motion except those specified in subdivisions one to ten, inclusive, of the forty-sixth rule, shall be reduced to writing, if the speaker or any member desire it.

RULE 49. After a motion shall be stated by the speaker, it shall be deemed in the possession of the house, but may be withdrawn at any time before it shall be decided or amended.

RULE 50. The motion to adjourn, to take a recess, and to adjourn for a longer period than one day, shall always be in order; but the latter motion shall not preclude debate.

RULE 51. A motion to reconsider any vote must be made on the same day on which the vote proposed to be reconsidered was taken, or on the legislative day next succeeding, and, except in the case of a vote on the final passage of a bill, by a member who voted in the majority. Such motion may be made under any order of business, but shall be considered only under the order of business in which the vote proposed to be reconsidered occurred. The motion to reconsider the vote on the final passage of any bill, shall be privileged to any member.

A motion to recall a bill from the governor for correction may be made under any order of business, and the votes for reconsideration, amendment and final passage of such bill may be taken immediately upon its return.

A motion for reconsideration being put and lost, shall not be renewed, nor shall any vote be a second time reconsidered, without unanimous consent.

CHAPTER XI.

OF RESOLUTIONS.

RULE 52. The following classes of resolutions shall lie over one day for consideration, after which they may be called up, as of course, under their appropriate order of business.

1. All concurrent resolutions.
2. Resolutions containing calls for information on the executive department.
3. Resolutions giving rise to debate, except such as relate to the dis-

position of matters immediately before the house, such as relate to the business of the day on which they are offered, and such as relate to adjournment or taking a recess for a day.

RULE 53. All resolutions for printing extra copies of documents shall be referred to the committee on printing, who shall report on each resolution within seven days after such reference.

RULE 54. All other resolutions calling for or leading to expenditures for the uses of the legislature, shall be referred to, and reported on, by the committee on the expenditures of the house, unless the house shall designate some other committee.

CHAPTER XII.

OF THE PREVIOUS QUESTION.

RULE 55. The "previous question" shall be as follows: "*Shall the main question be now put?*" and, until it is decided, shall preclude all amendments or debate. When, on taking the previous question the house shall decide that the main question shall not now be put the main question shall be considered as still remaining under debate. The "main question" shall be on the passage of the bill, resolution or other matter under consideration; but when amendments are pending, the question shall first be taken upon such amendments in their order; and when amendments have been adopted in committee of the whole, and not acted on in the house, the question shall be taken upon such amendments in like order, and, if the previous question has been ordered, without further debate or amendment.

CHAPTER XIII.

OF THE ASSEMBLY CHAMBER AND THE PRIVILEGES OF ADMISSION TO THE FLOOR THEREOF.

RULE 56. The use of the assembly chamber may be granted to the State agricultural society, the State medical society, and such other societies as are required by law to report to the legislature. No application for the use of the chamber for any other purpose shall be entertained without the unanimous consent of the house.

RULE 57. The following classes of persons shall be entitled to admission to the floor of the house during the session thereof, viz.:

1. The governor and lieutenant-governor.
2. The members of the senate.
3. The State officers and their deputies.
4. The regents of the university.
5. The capitol commissioners.
6. Persons in the exercise of an official duty directly connected with the business of the house.
7. The reporters for the press as provided by subdivision seven of rule two. *See subdivision 7 of rule 2.*
8. Ex-speakers of the assembly.

No other speaker shall be admitted to the floor during the session except upon the permission of the speaker; and persons so admitted shall be allowed to occupy places only in the seats in the rear of the assembly chamber. All permits granted by the speaker may be revoked by him at pleasure, or upon the order of the house.

CHAPTER XIV.

MISCELLANEOUS PROVISIONS.

RULE 58. In all cases of the absence of a quorum during the session of the house, the members present may take such measures as they shall deem necessary to secure the presence of a quorum, and may inflict such censure or pecuniary penalty as they may deem just, on those who, on being called on for that purpose, shall render no sufficient excuse for their absence.

RULE 59. When the house shall be equally divided on any question, including the speaker's vote, the question shall be deemed to be lost.

RULE 60. If any question contains several distinct propositions, it shall be divided by the chair at the request of any member, but a motion to strike out and insert shall be indivisible.

RULE 61. In all cases where a bill, order, motion or resolution shall be entered on the journal, the name of the member introducing or moving the same shall also be entered on the journal.

RULE 62. The yeas and nays may be taken on any question whenever so required by any ten members (unless a division by yeas and nays be already pending), and when so taken shall be entered on the journal.

RULE 63. The journal of each day's proceedings of the house shall be printed, so that it shall be laid on the table of members within two days after its approval, and the sergeant-at-arms shall cause the printed journals to be kept on files in the same manner as other printed documents.

RULE 64. No reporter for the assembly, who has an appointment as reporter in the senate, shall receive any order for stationery from the clerk of the assembly.

RULE 65. No standing rule or order of the house shall be changed, suspended or rescinded unless one day's notice shall have been given of the motion therefor, nor shall such change be made unless by a vote of a majority of all the members elected to the assembly; any such rule or order, however, may be suspended by unanimous consent. But such notice shall not be necessary on the last day of the session. The notice and motion shall in all cases state specifically the object of the suspension, and every case of suspension of a rule under such notice and motion shall be held to apply only to the object specified therein. Nor shall the forty-second rule, as far as it applies to any bill requiring two-thirds vote, be altered, rescinded or suspended, unless two-thirds of all the members elected to the house agree to such alteration, rescinding or suspending. Notice of a motion to suspend a rule shall be given under the order of business in which the matter proposed to be advanced by the suspension shall stand.

RULE 66. The following committee shall each be entitled to one clerk and messenger; to be appointed by the speaker:

1. Ways and means.
2. Judiciary.
3. Cities.
4. Canals.
5. Railroads.
6. Commerce and navigation.

And the following committees shall each be entitled to one clerk and messenger jointly:

7. Insurance, two-thirds and three-fifths bills, game laws, and rules.
8. Banks, general laws, agriculture, and expenditures of the executive department.
9. Claims, State prisons, and Indian affairs.
10. Internal affairs, and charitable and religious societies.
11. Public education, joint library, and expenditures of the house.
12. Roads and bridges, and affairs of villages.
13. Public printing, militia, and civil divisions.
14. Trade and manufactures, grievances, and manufacture of salt.
15. Public health, petitions of aliens, and State charitable institutions.
16. Privileges and elections, federal relations, and public lands.

RULE 67. No persons, except members of the legislature, and the officers thereof, shall be permitted within the clerk's desk, or the room set apart for the use of the clerk, during the session of the house.

RULE 68. Whenever any person shall be brought before the bar of the house, for adjudged breach of its privileges, no debate shall be in order, but the speaker shall proceed to execute the judgment of the house without delay or debate.

RULE 69. No more than sixteen pages shall be allowed upon the floor of the assembly chamber at any one time. Each page shall be furnished with a numbered badge, and shall occupy a seat corresponding with his number, to be provided and designated by the sergeant-at-arms, who shall also select one of his assistants, whose sole duty shall be to take charge of said pages and see that this rule of the assembly is not violated.

RULE 70. It shall be the duty of the stenographer of the assembly to be present at every session of the house. He shall take stenographic notes of the debates in the house and in committee of the whole; and shall furnish a copy of the same written out in long hand, to any member applying therefor, upon the payment to said stenographer of ten cents for each folio, which charge said stenographer may receive in addition to his fixed compensation. The stenographic notes of the debates shall be filed with the clerk, and shall form a portion of the archives of the house. The clerk of the assembly is authorized to furnish said stenographer with proper stenographic blank-books in which to record said debates, not to exceed fifty dollars for any annual session of the legislature.

RULE 71. All questions of order, as they shall occur, with the decisions thereon, shall be entered in the journal, and at the close of the session, a statement of all such questions and decisions shall be printed at the close of and as an appendix to the journal.

RULE 72. Any member requesting to be excused from voting may make, when his name is called, or immediately after the roll shall have been called, and before the result shall be announced, a brief statement of the reasons for making such request, not exceeding two minutes in time, and the house, without debate, shall decide if it will grant such request; but nothing in this rule contained shall abridge the right of any member to record his vote on any question previous to the announcement of the result.

STATE OF NEW YORK.

No. 7.

IN ASSEMBLY,

JANUARY 5, 1881.

JOINT RULES

OF THE SENATE AND ASSEMBLY.

ADOPTED 1876.

RULE 1. Each house shall transmit to the other all papers in which any bill or resolution shall be founded.

RULE 2. When a bill or resolution which shall have passed in one house shall be rejected in the other, notice thereof shall be given to the house in which the same may have passed.

RULE 3. Messages from one house to the other shall be communicated by their clerks respectively, unless the house transmitting the message shall specially direct otherwise.

RULE 4. It shall be in the power of either house to amend any amendment made by the other to any bill or resolution.

RULE 5. In every case of difference between the two houses, upon any subject of legislation, either house may request a conference, and appoint a committee for that purpose, and the other shall also appoint a committee to confer. The committee shall meet at such hour and place as shall be *appointed* by the *chairman* of the committee on the part of the house requesting such conference. The conferees shall meet to each other verbally, or in writing, as either shall choose, the reasons of their respective houses, and confer freely thereon. The committee shall report in *writing*, and shall be authorized to report such modifications or amendments as they think advisable. But no committee on conference shall consider or report on any matters except those directly at issue between the two houses. The papers shall be left with the conferees of the house assenting to such conference, and they shall present the report of the committee to their house. When each house shall have acted thereon, it shall transmit the same, and the papers relating thereto, to the other, with a message certifying its action thereon. Every report of a committee of conference shall be read through, in each house, before a vote is taken on the same.

RULE 6. It shall be in order for either house to recede from any subject-matter of difference subsisting between the two houses at any
[Assem. Doc. No. 7.]

time previous to conference, whether the papers on which such difference arose are before the house receding, formally or informally; and on such vote to recede the same number shall be required to constitute a quorum to act thereon, and to assent to such receding, as was required on the original question out of which the difference arose.

RULE 7. After each house shall have adhered to their disagreement the bill which is the subject of difference shall be deemed lost, and shall not be again revived during the same session in either house.

RULE 8. All joint committees of the two houses, and all committees of conference, shall consist of three senators and five members of the assembly, unless otherwise specially ordered by concurrent resolution.

RULE 9. No bill which shall have passed one house shall have its final reading in the other in less than two days thereafter, without the consent of two-thirds of the members thereof present; and whenever ten or more bills shall be in readiness for final reading in either house, such house shall forthwith proceed to the final reading of such bills, under the order of "third reading of bills," and continue the same from day to day until all such bills, then in readiness for final reading, shall have been read, unless this order of business shall, by the vote of two-thirds of the members present, be suspended or laid on the table. All such bills shall have their last reading in each house in the order in which the same shall have been ordered to a final reading in such house, unless the bill to be read be laid on the table. In all cases where a bill shall be so ordered to lie on the table, it shall retain its place in the order of the final reading of bills, but shall not be called up for consideration unless by a vote of a majority of the members present.

RULE 10. The same bill shall not, specially or by name, create, renew or continue more than one incorporation, nor contain any provisions in relation to the altering of more than one incorporation by name; but this rule shall not be construed to apply to corporations to be formed under general laws according to the eighth article of the Constitution, nor to bills for consolidating corporations. After a bill has been reported by a committee, no amendment shall be made thereto which introduces an entirely new and different subject-matter from the subject-matter of the bill reported.

RULE 11. Whenever there shall be an election of officers by the joint action of the two houses, the result shall be certified by the president of the senate and speaker of the assembly, and shall be reported by the presiding officer of each house to their respective houses, and be entered on the journals of each, and shall be communicated to the governor by the clerks of the two houses.

RULE 12. There shall be printed, of course, and without order, 63 copies of all original bills reported by committees of either house, and 800 copies of all messages from the governor (except messages certifying his approval of bills), all reports of standing or select committees, and all reports or communications made in pursuance of law, and 75 copies of the journal of each house, which number shall be denominated the usual number.

RULE 13. Neither house shall order the printing or purchasing of books for the use of members or for distribution, except by joint resolution, upon which the ayes and noes shall be called, and which must receive the votes of a majority of each house; and no printing shall be done, by order of either house, which is not embraced in the com-

tract for doing the public printing. Whenever either house shall order more than the usual number of any message or document, the fact shall be communicated immediately by message to the other. Whenever extra copies of any document, or publication of any kind, shall be ordered printed, the printer shall be authorized and required to deliver to the trustees of the State library at least five copies in addition to the number so ordered, for the use of the said library; and whenever more than five hundred copies are so ordered, the printer shall in like manner furnish five additional copies for each five hundred, for the purpose of literary exchanges.

RULE 14. When the same document shall by separate orders be directed to be printed by both houses, it shall be regarded as but one order, unless otherwise expressly directed by either house.

RULE 15. In the distribution of documents, the governor and elective State officers, and State officers appointed by the governor and senate, or elected by joint or concurrent action of the two houses, adjutant-general and the clerks of the two houses shall each have the same number as each of the members; and a specified number may be added for any committee, officer or author of a document.

RULE 16. The superintendent of documents of each house shall receive from the printer all matter ordered by the respective houses, and shall keep a book and enter therein the time of reception by him of every such bill or document, and the number of copies received, and shall cause each and any of such bill or document to be immediately placed on the desks of the members.

RULE 17. There shall be printed six hundred and thirty-nine bills, and distributed as follows:

To the senate	150 copies
To the assembly	450 copies
To the State officers.	28 copies.
To the State library	1 copy.
Retained to bind	10 copies

There shall be printed three hundred and ten messages and documents, and distributed as follows:

To the Senate	80 copies.
To the assembly	199 copies.
To State officers	30 copies.
To the State library	1 copy.

There shall be printed three hundred journals of each house, and distributed as follows:

To the senate	80 copies.
To the assembly	188 copies,
To the State officers	30 copies.
To the State library	2 copies.

There shall be printed to bind four hundred and ninety-six journals of each house, and the same number of messages and documents, and distributed as follows:

For the senate	38 copies.
For the assembly	140 copies.
For senate library	16 copies.
For assembly library	50 copies.

For the counties and public officers	123 copies.
For literary and scientific exchanges, to be made by the regents of the university, including one copy for each State and territory, and one copy for each of the regents who are not otherwise provided for	124 copies.
For State library	5 copies.

There shall also be printed and bound for the State library five copies of the Session Laws, and also of the journal of each house, and fifty-five copies of the same, for the regents of the university, for the purpose of literary exchanges.

The clerk of each house shall forthwith, after the journal thereof of each day is approved, deliver a legible copy thereof to the printer for the two houses, who shall have the same printed and delivered to the sergeant-at-arms of each house within forty-eight hours thereafter.

RULE 18. There shall be a standing committee, consisting of three members of the senate and five members of the assembly, to be called the joint committee on the State library and cabinet of natural history.

RULE 19. The supply bill and the annual appropriation bill shall be reported by the fifteenth day of March, and printed immediately thereafter, and made the special order for the twenty-fifth day of March, or some day prior thereto, immediately after the reading of the journal.

RULE 20. No bill introduced after the fifteenth day of March in either house shall have its final reading in either house until all bills previously introduced in either, and sent from one house to the other house for concurrence and ready for third reading, shall be disposed of, unless by unanimous consent, except the supply bill and the annual appropriation bill; and the clerk of each house shall note on such engrossed bill the day on which it was introduced, and the day on which it was received from the other house, and shall announce such facts when the same is proposed to be read a third time.

RULE 21. When a bill originated in the senate or assembly shall have been lost in either house, neither the same nor any other bill on the same subject, and containing similar provisions, shall be subsequently introduced into the senate or assembly during the same session, unless by unanimous consent.

RULE 22. The postmaster of each house shall weigh and stamp all documents sent by mail or express, and enter in a book to be kept by him for that purpose, the amount of postage or express charge thereon, and report to the clerk of the respective houses the aggregate thereof weekly; and the assistant postmaster of each house shall enter in a book to be kept by him for that purpose an accurate account of all documents, with the postage or express charges paid thereon, transmitted from the post-office of their respective houses by mail or express, and report the aggregate thereof weekly to the respective clerks of the senate and assembly; and the clerks of the senate and assembly shall, from time to time, furnish to the postmaster of each house, respectively, the stamps requisite for carrying into execution this rule, and an account thereof shall be kept by them in books to be by them provided for that purpose; and the books kept by the postmaster and assistant postmaster, above specified, shall be, at all times, open to the inspection of the clerks and members of each house respectively.

STATE OF NEW YORK.

No. 8.

IN ASSEMBLY,

JANUARY 5, 1881.

REPORT OF THE STATE BOARD OF AUDIT.

STATE OF NEW YORK:
OFFICE OF THE SECRETARY OF STATE, }
ALBANY, *January 5, 1881.* }

Hon. GEORGE H. SHARPE,

Speaker of the Assembly:

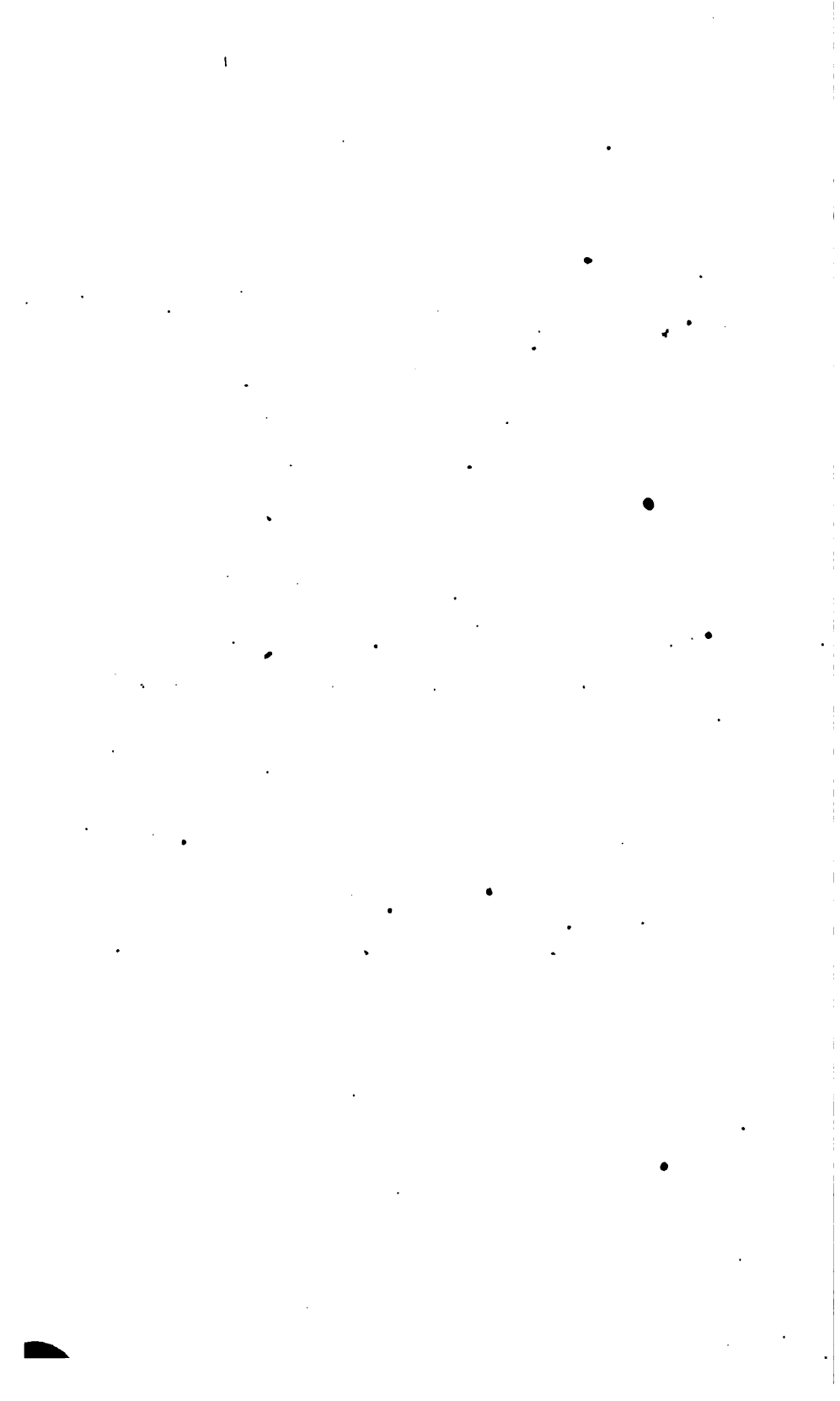
SIR—In compliance with chapter 444 of the Laws of 1876, I have the honor to transmit the accompanying report of the State Board of Audit, for the year ending December 31, 1880.

I am, sir, with great respect,

Your obedient servant,

JOSEPH B. CARR

Secretary of State.



REPORT.

OFFICE OF THE SECRETARY OF STATE, }
ALBANY, December 31, 1880. }

To the Legislature of the State of New York:

In compliance with section 4 of chapter 444 of the Laws of 1876, I have the honor to transmit herewith the report of the State Board of Audit.

The following table, marked "A," contains an abstract of the awards made by said Board from December 31, 1879, to and including December 31, 1880.

Numbers 1 to 25, inclusive, refer to corresponding numbers of copies of the judgment rolls which constitute this report, and which are made up of the statement of claim, the oral proof and exhibits introduced upon the trial, and the action of the Board in each particular case. The originals are on file in this office.

I am, with great respect,

Your obedient servant,

JOSEPH B. CARR,

Secretary of State.

(A)

ABSTRACT of awards made by the State Board of Audit, from December 31, 1879, to and including December 31, 1880.

Number on Register.	NAMES OF CLAIMANTS.	Nature of claim.	Claim filed.	Amount claimed.	Amount allowed.	JUDGMENT ROLL.	
						When filed.	Copy hereto annexed.
168.	Francis E. Leonard.....	Claim for expenses incurred in recruiting men in 1865.....	March 26, 1879	\$158 50	Nothing.	March 8, 1880	Marked No. 1.
168.	The County of Erie.....	Claim for expenses incurred in investigating and prosecuting a certain indictment for bribery against George D. Lord, late member of Assembly.....	Feb. 2, 1880	2,500 00	\$3,500	March 8, 1880	Marked No. 2.
170.	Weed, Parsons & Co.....	Claim for printing done by order of the Senate.....	Dec. 1, 1879	100 00	100	March 8, 1880	Marked No. 3.
174.	A. W. Jennings.....	Claim for services rendered at Sing Sing prison.....	Nov. 8, 1879	800 00	Nothing	March 8, 1880	Marked No. 4.
165.	Timothy J. Sullivan.....	Claim for material furnished in the construction of the new Capitol.....	April 22, 1879	8,846 18	8,846 18	March 13, 1880	Marked No. 5.
187.	Allan Rutherford.....	Claim for reimbursement for expenses incurred in uniforming and equipping company "F," 9th Regiment, N. Y. S. M.....	Feb. 28, 1880	2,608 10	2,608 10	March 13, 1880	Marked No. 6.
161.	Perry & Co.....	Claim for damages committed by an insane convict at Sing Sing prison.....	March 19, 1879	368 71	Nothing.	March 13, 1880	Marked No. 7.
180.	Perry & Co.....	Claim for damages committed by an insane convict at Sing Sing prison.....	Dec. 2, 1879	508 17	Nothing.	March 13, 1880	See No. 7 for statement of claim and testimony.
182.	James Moore.....	Claim for labor upon the Erie canal at Rochester, and for services protecting State property.....	Jan. 24, 1880	113 22	Nothing.	March 13, 1880	Marked No. 8.
144.	David Hulbert.....	Claim for work done on the Normal School at Genesee.....	Dec. 26, 1878	2,063 00	Nothing.	March 13, 1880	Marked No. 9.
175.	W. E. Taylor.....	Claim for loss of canal boat in Chenango canal.....	Sept. 3, 1879	260 60	Nothing.	March 13, 1880	Marked No. 10.
70.	Robert K. Oliver.....	Claim for materials furnished in repairing old Capitol.....	Feb. 4, 1878	2,376 48	Nothing.	April 24, 1880	Marked No. 11.
184.	George Mark, Milton H. St. John, and Alb. G. Sage...	Claim for labor and materials furnished in construction of new Capitol, and for damages for alleged breach of contract on part of State.....	Jan. 31, 1880	25,000 00	Nothing.	April 24, 1880	Marked No. 12.

193..	Marion Nash.....	Claim for fees as county treasurer of Lewis county.....	April 2, 1880	293 26	293 26	May 13, 1880	See No. 13 for statements of claims and testimony. Marked No. 14.
198..	Weed, Parsons & Co.....	Claim for legislative printing during the years 1879 and 1880, and done pursuant to resolutions of the Senate and Assembly.	June 8, 1880	88,813 36	86,424 24	Aug. 25, 1880	
191..	N. Lapham and David H. Parsons.....	Claim for damages for alleged breach of contract on part of State in the delivery and cleaning of sand ore for use of force at Clinton State prison.....	March 14, 1880	4,768 89	Nothing.	Aug. 25, 1880	Marked No. 15.
178..	John Stoum.....	Claim for back pay as captain of company F, 1st Regiment N. Y. Vols.....	Nov. 23, 1879	894 98	Nothing.	Aug. 25, 1880	Marked No. 16.
194..	Ebenezer Brown.....	Claim for labor and material furnished in repairing road bridges over Crooked Lake canal.....	April 7, 1880 Nov. 7, 1879	239 11 2,000 00	Nothing. Referred to Supt. Pub. Works....	Aug. 25, 1880	Marked No. 17.
175..	Homer Rexford.....	Claim for infringement on patent.....				July 22, 1880	Marked No. 18.
197..	Austin A. Yates.....	Claim for services as counselor-at-law in defense of John B. Yates, division engineer New York State canals.....	June 4, 1880	822 88	Nothing.	Aug. 25, 1880	Marked No. 19.
	County of Monroe.....	Application for release of further liability to the State on account of the general fund and deficiency tax of 1873, after paying into the treasury the sum of \$1,518.32.					
204..	Weed, Parsons & Co.....	Claim for printing 2,500 copies of the New York Civil List, pursuant to concurrent resolution of the Legislature.....				Oct. 13, 1880	Marked No. 20.
205..	Weed, Parsons & Co.....	Claim for printing 12,500 copies of the Election Code, pursuant to concurrent resolution of the Legislature.....	Oct. 4, 1880	5,500 00	5,500 00	Oct. 13, 1880	Marked No. 21.
74..	The Bank of Monroe.....	Claim for payment of Canal Commissioner's certificate.....	Oct. 13, 1880	3,845 75	2,500 00	Dec. 23, 1880	Marked No. 22.
208..	Weed, Parsons & Co.....	Claim for printing 6,000 copies of Colvin's Report of the Adirondack Survey, for the use of the Legislature of 1880.....	Jan. 26, 1878	16,000 00	Nothing.	Dec. 23, 1880	Marked No. 23.
209..	John H. Morris, adm'r, etc..	Claim for services and disbursements in raising a sunken vessel in the waters of the port of New York.....	Nov. 27, 1880	15,000 00	12,000 00	Dec. 23, 1880	Marked No. 24.
			July 23, 1880	7,351 33	Nothing.	Dec. 23, 1880	Marked No. 25.

STATE BOARD OF AUDIT.

No. 1.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, on Wednesday, February 11th, 1880:

PRESENT — Joseph B. Carr, Secretary of State; James W. Wadsworth, Comptroller; Nathan D. Wendell, Treasurer — members of the Board.

No. 163.

In the Matter of the claim of Francis E. Leonard agst. The State of New York.
--

Claim for expenses incurred in recruiting men in 1862; amount claimed, \$158.50.

CLAIMANT'S STATEMENT.

The State of New York, to Francis E. Leonard, Dr.

1862.

To amount paid Rufus Sanderson for horse hire, recruiting soldiers for the 152d Regiment, N. Y. S. Vols., during the summer and fall of 1862.....	\$30 00
To amount paid A. Benedict for boarding 9 soldiers 7 days..	81 00
To amount paid for dinners for 47 soldiers at West Winfield to S. W. Day, at 50 cents each.....	23 50
To William Harrington for 16 days board for soldiers while recruiting.....	24 00
Interest from September, 1862.	

OTSEGO COUNTY, ss:

Francis E. Leonard, being duly sworn, says, that he is the person named in the above bill; that he now and in the year 1862 resided at Morris, Otsego county, N. Y.; that in the summer of 1862 he was employed in recruiting men for, and did recruit 47 men for, and which were mustered into 152d Regiment, N. Y. S. Vols.; that in the recruiting of said men he paid out for horse hire and for expenses for board for said men, before they were taken to camp and on their way to camp at Mohawk, where the 152d Regiment aforesaid were encamped, the different sums stated in the foregoing bill; and that each and every

part thereof was necessary and proper in such recruiting and conveying of said men to said camp, and that no part thereof has ever been paid; that Col. L. Boyer was then commanding said regiment; that deponent proposes to rely upon the receipt of Col. Boyer, commanding said regiment, and to the records on file in the State office as to the number of men he recruited, with their own names, and also his own affidavit of that fact, and also upon the affidavit of R. Sanderson as to the amount, and also upon any witnesses that the Board may think necessary for him to present, or any affidavits that he can procure touching the amounts paid.

That he does not know where the said S. W. Day and A. Benedict resides, or either of them, but that deponent has their receipts for the amounts so paid to them, and that the claim in question has never before been presented to any branch or officer of the government, but that the same is now justly due and owing him. That the paper hereto annexed and marked "A" is a true list of the names of the men so as aforesaid recruited by him, with the date of the enlistment of each, and which is made a part of this affidavit.

FRANCIS E. LEONARD.

Subscribed and sworn before me, }
this 22d day of March, 1879. }

D. CLINTON, *Justice of the Peace.*

"A."

Roll of Recruits enlisted by F. E. Leonard and date of enlistment.—1862.

James Robinson, August 22; Enoch D. Shaw, August 26; Orlando Greig, August 26; Daniel Miller, August 28; John N. Daniels, August 28; Edwin L. Scudder, August 28; Francis C. Shute, August 27; Joseph Cook, August 28; William Turner, August 30; Charles C. Hitchcock, August 30; William Hargram, August 30; Charles H. Bishop, August 30; George W. Hall, August 30; John Kirkland, August 29; Arthur L. Manchester, August 27; Archilaus Stowel, August 29; Andrew E. Brown, August 29; Samuel G. Parsall, August 29; George Hall, August 27; Robert D. Place, August 28; Hiram Munroe, August 27; Amos Atwell, August 27; Abel Card, August 27; Stanley G. Sergeant, August 27; A. Leroy Hall, August 28; Lewis Lindsley, August 30; Christopher Toby, August 30; George T. Wilson, August 30; Chauncey Kelsey, August 29; Deloss L. Flagg, August 30; Deferret Coller, August 29; Edward Hargrave, August 28; Horace B. Swartout, August 29; James Southern, August 29; Samuel Bunnell, August 30; George T. Kidder, August 29; John Radley, August 29; Thomas Quimby, August 30; Harvey G. Cook, August 30; Murray S. Tallman, August 30; Lansing Swift, August 26; Nathan A. Lull, August 30; Francis A. Ripley, August 30; William Southern, August 30; David H. Lewis, August 30; James A. Miller, August 29; George R. Cole, August 30.

STATE BOARD OF AUDIT,
OFFICE OF THE SECRETARY OF STATE,
ALBANY, N. Y., Feb'y 11th, 1880. }

the Matter of the Claim of Francis
E. Leonard
agst.
The State of New York. }

Wm. B. Ruggles, First Deputy Attorney-General, Counsel for the State; Nathan Bridges, Esq., Counsel for the Claimant.

TESTIMONY.

Francis E. Leonard, sworn in his own behalf, testified :

In 1862 I resided in Morris, Otsego county, this State; I recruited troops in that year under this order (producing Special Order No. 495 of the Adjutant-General); I don't remember exactly how many; think about sixty in all; I think there were forty-seven that were transported to the recruiting camp at Mohawk and mustered into the 62d New York.

Q. Where were they recruited from? A. All of them from Otsego county, and principally from one town.

Q. Did you pay out your own funds in recruiting those troops? A. I did.

Q. In what way and how much? A. After enlisting them, a good many of them had no place to stay, and expected to be taken to recruiting camp, and until they were all ready to go I boarded a number of them and kept them there about one week; I kept nine at one place I think seven days, and it cost me \$1.50 per day each; I also paid another man for boarding these men about \$24; I paid William Harrington who was keeping hotel in Morris.

Q. Do you recollect when they were taken to camp? A. Yes, sir; sometime in the first days of September, 1862: the camp was located at Mohawk, Herkimer county.

Q. Did you, on the way there, pay for their dinners? A. I did, I paid for forty-seven men at fifty cents each, amounting to \$23.50.

Q. Here is a claim for livery bill, what is there of that? A. That was for the purpose of going for these men who live back from town five or six miles; when they were ready to go, I had to go after these men; I was not supporting them, or paying their board, but they had gone back home. That bill was about \$30; it was paid to Mr. Sanderson, the liveryman.

Q. Has any part of those expenses ever been paid to you by any person? A. No, sir, there was no claim ever presented for any of them before; there never has been any claim for them.

Q. Why not? A. Because I didn't need the money, and didn't care for it. Afterward I went west for a number of years, and I have just come back, and I am poor; the fact of the case was, I did not care anything about it at that time.

Cross-examination :

Q. Do you know the signature of Colonel L. Boyer? A. Yes, sir, I saw him sign it.

Certificate of Colonel L. Boyer, commanding 152nd. Regt., in evidence and marked "exhibit A, February 11th, '80, W. H. S." Hereto annexed.

A. I have the affidavit of the men that the sums were paid them; the camp was at Mohawk; it was about forty-four miles from where I live.

Q. Where were these nine soldiers that you boarded seven days? A. Boarding at a boarding-house in the village where I live; I recruited the men in Morris, and I live in Morris; they were boarding there seven days at Morris; it was after they were enlisted.

Q. Why did you keep them seven days? A. That was the length of time after they were enlisted, before they went to camp; I had no other place to keep them; I could not have sent them to camp at that time.

Q. You kept them there with the idea of making a company? A. No, sir, I did not have an idea of that; I did not expect it; I moved them as soon as I got orders to do so. I did receive a commission in company C, of 1st lieutenant, 152d Regiment.

Special order No. 1495 of the Adjutant-General, received in evidence and marked "B. February 11th, '80, W. H. S." Hereto annexed.

Also affidavit of Rufus Sanderson, sworn to on the 24th day of March, 1879; received in evidence and marked "C, February 11th, '80, W. H. S." Hereto annexed.

The counsel for the State put in evidence the original record contained in a book of orders, as section eighteen, from the Adjutant-General's office.

Evidence in the case closed.

EXHIBIT "A."

This is to certify that F. E. Leonard has recruited and mustered in the 152d Regiment, under my command, forty-seven men.

COL. L. BOYER,

Commanding 152d Regiment

Indorsed :

COL. BOYER, certificate of muster, 1862.

EXHIBIT "B."

GENERAL HEAD-QUARTERS STATE OF NEW YORK,

ADJUTANT-GENERAL'S OFFICE,

ALBANY, Aug. 18, 1862. }

Special Orders, }
No. 1495. }

Francis E. Leonard, of Otsego county, having furnished satisfactory evidence of his fitness for a company officer, is hereby authorized to enroll volunteers to serve in the Army of the United States for three years, or during the war.

This authorization is granted on the express condition that such enrollment shall be in all respects in conformity with the provisions

of General Orders No. 52, current series, and will entitle the person to whom it is issued to a commission as a company officer, as provided in paragraph VII of said orders.

By order of the Commander-in-Chief.

D. CAMPBELL,

Ass't Adjutant-General.

EXHIBIT "C."

OTSEGO COUNTY, }
State of New York, } ss.:

R. Sanderson, of Morris, Otsego county, N. Y., being duly sworn, says, that in the fall of 1862, I kept a livery stable in the village of Morris; F. E. Leonard hired horses of me for recruiting purposes, and to the best of my recollection the amount he paid me for such horse hire was about \$30.

(Signed)

RUFUS SANDERSON.

Sworn before me, this 24th }
day of March, 1879. }

D. C. WINTON, *Justice.*

Evidence closed and case submitted for decision.

OFFICE OF THE SECRETARY OF STATE, }
ALBANY, *February 12, 1880.* }

Board met pursuant to adjournment. All of the members present.

In the Matter of the claim of Francis E.
Leonard
agst.
The State of New York.

On motion it is ordered that the claim of Francis E. Leonard for expenses incurred in recruiting men in 1862 be disallowed.

No. 2.

At a meeting of the State Board of Audit held at the office of the Secretary of State on Thursday, February 12, 1880:

PRESENT—Joseph B. Carr, Secretary of State; James W. Wadsworth, Comptroller; Nathan D. Wendell, Treasurer—members of the Board.

No. 185.

In the Matter of the claim of the County of Erie <i>agst.</i> The State of New York.

Claim for expenses incurred in investigating and prosecuting a certain indictment for bribery against George D. Lord, late member of Assembly; amount claimed, \$2,500.

CLAIMANT'S STATEMENT.

The board of supervisors of the county of Erie, by Samuel M. Welch Jr., their attorney, hereby make claim against the State of New York and respectfully state to this Board, upon information and belief, a grounds for said claim :

I. That heretofore and on or about the 25th day of August, 1875, at the city of Albany, in this State, a complaint on oath was made by Alexander E. Orr and Daniel Magone, Jr., before the Honorable A. M. Osborne, justice of the Supreme Court, that George D. Lord, of Rochester, in this State, did, on or about the 9th day of February, 1871, within this State, commit the crime of agreeing and consenting to receive a large amount of money other than his legal salary, fees and perquisites for performing an official act, to wit: the favoring and voting in the Assembly of this State, the said Lord then being a member thereof and an officer of this State, for a certain act entitled an act for the relief of John Hand, passed April 19, 1871, and that the said act of favoring and voting for said bill or act was, in fact, performed by said Lord on or about the 19th day of April, 1871, with the express understanding on his part and under the influence of said agreement and consent, and that the said Lord did subsequently, in the year 1874, in consummation of said agreement, receive a large sum of money.

II. That the said justice did thereupon issue a warrant under his hand directed to the sheriff of the county of Albany commanding him to take the said George D. Lord and bring him before the said justice to be dealt with according to law; that said Lord was arrested by virtue of said warrant and brought before the said the Honorable A. M. Osborne, justice, as aforesaid, and such proceedings were then had before the said justice that said George D. Lord did then and there give bail to appear at the next criminal court to be held in Erie county having cognizance of said offense, and that said justice did then and there certify said proceedings to the clerk of said court in Erie county as required by law.

III. That the next criminal court held in Erie county having cognizance of said offense, was the criminal term of the Superior Court of Buffalo, which convened in the city of Buffalo, in said county, on the 6th day of September, 1875; that during its session and on the 20th day of said September, an indictment against the said George D. Lord was presented to the said court by its grand jury then and there in attendance, in substance charging that the said George D. Lord, on the 2d day of February, 1871, at the said city of Buffalo, in the county of

erie aforesaid, while he, said Lord, was a member of Assembly, duly elected, qualified, and sworn, representing the second Assembly district of the county of Monroe, in the Assembly of the State of New York, did feloniously, willfully, and corruptly receive and accept of and from one John Hand a thing of value and advantage to him, the said George D. Lord, with the express understanding on the part of him, the said George D. Lord, that his official action upon a certain bill, to wit: the said act for the relief of John Hand, hereinbefore referred to, which said bill was then about to be introduced into and put upon its passage in said Assembly, was to be influenced thereby, to wit: that he, said George D. Lord as such officer and member of the Assembly as aforesaid, would support, bein favor of and vote for the passage of said bill, so to be introduced into the Assembly, when the same should be put upon its passage therein, all of which by said indictment now ready to be produced, as this Board shall direct, will more fully and at large appear.

IV. That thereafter and on the 25th day of October, 1875, the said indictment was, by order of said Superior Court of Buffalo, sent to the Court of Oyer and Terminer in and for the county of Erie for trial; that thereafter and on the 3d day of January, 1876, the said indictment was duly moved for trial by Daniel N. Lockwood, Esq., district attorney of the county of Erie, at an adjourned term of the said Court of Oyer and Terminer, held by and before Hon. Charles Daniels, justice of the Supreme Court and George W. Nichols and Frederick Gundlach, justices of the Sessions, for the purpose of trying the said Lord upon the said indictment, and that a trial of the said Lord on said indictment was then and there had before said court, which occupied the time of said court for the period of nine days. The said district attorney being assisted on said trial by the Hon. Charles S. Fairchild, Attorney-General, and the Hon. James M. Humphrey, of counsel specially retained for the purpose of assisting said district attorney, at the request of said Attorney-General, as hereinafter set forth; that after due deliberation the jury who tried said case were unable to agree upon a verdict and were discharged by the court.

That a second trial of said Lord on said indictment was moved by said district attorney assisted by said Attorney-General and counsel at an adjourned term of said Court of Oyer and Terminer, held by and before the same judge and justices, in the month of June, 1876; that thirteen days were actually occupied by the court by reason of said case and the trial thereof, and that at the conclusion of said trial, said Lord was found guilty of the crime charged against him in said indictment by the verdict of a jury.

V. That afterward and on the 10th day of July, 1876, a bill of exceptions in said case was duly signed, settled, and on the same day a certificate of probable cause was granted by Hon. John L. Talcott, one of the justices of the Supreme Court, and said cause removed to the Supreme Court to take its judgment thereon; that thereafter and on the 9th day of November, 1876, a writ of certiorari in said cause was granted by Hon. George Barker, justice of the Supreme Court, whereupon said indictment and bill of exceptions were certified to the Supreme Court by the said Court of Oyer and Terminer, and that on or about the 12th day of April, 1877, said cause was argued before the General Term of the Supreme Court for the Fourth Judicial Department

by the said Daniel N. Lockwood, district attorney, and the said Hon. James M. Humphrey, counsel as aforesaid, at its session in the city of Rochester.

VI. That after the arrest of said Lord and the proceedings had thereon before the Hon. A. M. Osborne, justice, etc., and before the indictment of said Lord, as hereinbefore set forth, the Hon. Charles S. Fairchild, then Deputy Attorney-General of the State of New York, came to the city of Buffalo and conferred with Daniel N. Lockwood, then district attorney of Erie county, as to the course to pursue in investigating and prosecuting said charge against said Lord, and regarding the employment of special counsel to represent the interests of the State in said prosecution; that after said conference and at the particular instance and request of said Fairchild said district attorney made application, under the provisions of the statute in such case made and provided, to Hon. Albert Haight, Erie county judge, for his approval of the employment of Hon. James M. Humphrey as counsel in said case; that said county judge thereupon indorsed his approval upon said application, and that the said the Hon. James M. Humphrey thereupon entered upon his duties as counsel in said case, having been retained at the request of the Deputy Attorney-General as hereinbefore set forth, for the purpose of representing the interests of the State in said prosecution in the place and stead of the Attorney-General.

That said Humphrey prepared the indictment against said Lord, and assisted in the trials of said indictment in the preparation of the bill of exceptions, the argument upon the same at General Term as hereinbefore set forth, and in the argument of certain motions for the discharge of said Lord from said indictment made during the pendency of said prosecution. That the conviction in said case was reversed by the General Term of the Supreme Court in the month of October, 1877, on the ground that said prosecution was barred by the statute of limitations. That after said decision, the said Humphrey, at the request of the Attorney-General and the district attorney of Erie county, made a full and careful examination of said case, for the purpose of deciding whether an appeal from the decision of said General Term should be taken by the People to the Court of Appeals.

VII. That afterward and on or about the 4th day of October, 1879, the said Hon. James M. Humphrey presented to the board of supervisors of Erie county his account and claim against said county and its board of supervisors for services rendered in the investigation and prosecution of said charge and indictment; that said account was delivered by said board to Hon. Charles Daniels, presiding justice, at the several trials of said indictment, for his certificate as to the value of the services of said Humphrey in said case, required by the provisions of the statute in such case made and provided; that thereafter and on the 17th day of November, 1879, the said the Hon. Charles Daniels, presiding justice, certified to said board of supervisors, that the fair value of the services of said Humphrey in said case of *The People v. George D. Lord* was the sum of \$2,500; that on the 1st day of December, 1879, the said board of supervisors adopted a resolution directing its clerk to draw an order upon the treasurer of Erie county in favor of said Humphrey for said sum of \$2,500, in payment for said services so rendered, and certified to as aforesaid; that said order

was duly drawn by said clerk and delivered to said Humphrey, and by him presented to the treasurer of Erie county for payment, and that on the 17th day of January, 1880, said treasurer paid said sum of \$2,500 to said Humphrey, upon said order from the funds and money in his hands as such treasurer of the county of Erie. That the expenditure of said sum by said county was rendered necessary solely by reason of said prosecution having been had in Erie county and for no other reason.

VIII. That the nature of the proofs upon which the claimant relies are:

1st. The original warrant in said case, the order of the justice in-dorsed thereon, and the recognizance given by said George D. Lord and the witnesses in behalf of the people to appear at the next criminal court having cognizance of said offense to be held in the county of Erie.

2d. A certified copy of the case and bill of exceptions containing the indictment, evidence on the second trial of said Lord, verdict of the jury, and the several orders made in said case being the same used upon the argument of said case at General Term.

3d. The original application made by the district attorney of Erie county to Hon. Albert Haight, Erie county judge, for his approval of the employment of said Humphrey, with the approval of said judge endorsed thereon; the original account of said Humphrey rendered to the board of supervisors of Erie county the certificate of Hon. Charles Daniels, presiding justice, fixing the amount of compensation allowed said Humphrey, the minutes of said board of supervisors showing the proceedings had thereon. The original order drawn in favor of said Humphrey with proof of its payment.

4th. Such proof as may be required to show the necessity of said payment.

IX. That the names of the witnesses your claimant proposes to examine are as follows: Frank S. Coit, 64 Delaware avenue; Samuel M. Welch, Jr., 514 Delaware avenue; James M. Humphrey, 221 Niagara street, all of the city of Buffalo.

X. That this claim has never before been presented to any branch or officer of the government of this State for payment; that the same was not included in the claim made by the county of Erie on the 28th day of February, 1879, for expenses incurred in the investigation and prosecution of said charge and indictment against said Lord, and allowed by this Board at the sum of \$6,137.54 on the 14th day of March, 1879, as will appear by reference to folios 13, 14 and 20 of the statement of said claim presented to this Board on the 3d day of March, 1879, for the reason as set forth in said statement that said account had never been presented to your claimant for payment, or any sum whatever allowed said Humphrey for his services in said prosecution.

Wherefore and by reason of the premises aforesaid, the claimant prays the decision of this Board allowing its claim against the State of New York for the sum of \$2,500.

SAMUEL M. WELCH, JR.,

Attorney for Claimant,

24 W. Swan Street,

Buffalo, New York.

STATE OF NEW YORK,
County of Erie, City of Buffalo, } ss. :

Samuel M. Welch, Jr., being duly sworn, deposes and says, that he is the attorney for the claimant in the above-entitled proceeding, that he has read the foregoing statement of claim and knows the contents thereof, and that the same is true of his own knowledge except as to those matters therein stated to be alleged on information and belief, and as to those matters he believes it to be true.

SAMUEL M. WELCH, JR.

Sworn to before me, this 28th }
day of January, 1880. }

CHARLES W. GOODYEAR, *Notary Public.*

STATE BOARD OF AUDIT,
OFFICE OF THE SECRETARY OF STATE,
ALBANY, February 12th, 1880.

In the Matter of the claim of the County
of Erie
agst.
The State of New York.

W. B. Ruggles, First Deputy Attorney-General, Counsel for the State,
Samuel M. Welch, Jr., Counsel for the Claimant.

TESTIMONY.

The counsel for the claimant, the said county of Erie, offered in evidence a warrant of arrest issued by Hon. A. M. Osborne, one of the justices of the Supreme Court, upon the complaint of Alexander H. Orr and Daniel Magone, Jr., in proceedings instituted against George D. Lord, for the alleged crime of bribery.

The same was received and marked "Exhibit A, February 12th, 1880." Hereto annexed.

Also a recognizance executed in due form of law for the appearance of said defendant. Verified on the 27th day of August, 1875. The same was received and marked "Exhibit B." Hereto annexed.

Hon. J. M. Humphreys, a witness for said claimant, having been duly sworn, testified:

Q. You are an attorney and counselor at law? A. Yes, sir.

Q. And reside in the city of Buffalo? A. I do.

Q. You were the counsel employed to assist the district attorney in proceedings instituted against George D. Lord? A. I was.

Q. Please state to the Board what your relations were to that case? A. The commissioners that were appointed to investigate the matter, Mr. Magone and Orr, came on there when the grand jury sat, and after proceedings had been taken at Albany. Mr. Fairchild sent for me and retained me to assist the district attorney in the matter of the

secution. I entered into the business, prepared the indictment, assisted at both trials; it was tried twice; Attorney-General Fairbank was there at the first trial; the case was tried and the jury disagreed; it was again tried some months after; the trial lasted ten or twelve days each time; the last trial he was convicted; then by direction of the Attorney-General I continued my assistance in proceedings on the appeal before the General Term of the Supreme Court, prepared a brief and assisted in the argument of the case. I presented my claim to the board of supervisors with the certificate of Judge Daniels, who presided at both of the terms, and they allowed the account as certified by Judge Daniels at \$2,500. An order was made and the money has been paid.

Q. You were specially retained in this prosecution to represent the interests of the State? A. Yes, sir; certainly.

Q. State why it is that this claim was not presented before? A. There was a question still pending as to whether there should be an appeal taken to the Court of Appeals, and finally it was abandoned by the present district attorney.

Re-examination:

Q. What stages of the prosecution did you appear in the case? A. From the commencement of it.

Q. Before the indictment was found? A. Yes, sir; I drew the indictment.

Q. It was then tried at the Oyer and Terminer? A. Yes, sir.

Q. That trial occupied how long? A. I think the first trial occupied ten or twelve days. The jury disagreed, then it was tried again occupied about the same length of time, and a conviction followed that trial; then it went to the General Term.

Q. You have been paid for your services by the county of Erie? A. Yes, sir; \$2,500.

Q. The counsel for the claimant put in evidence the original minutes of the board of supervisors of the county of Erie, under date of November 20 and December 1, which contains a statement of account of services rendered by J. M. Humphrey for the county of Erie, together with approval of county judge of said county. Certified copy hereto attached, marked Exhibit "C."

Q. The counsel for the claimant also put in evidence the certificates of Judge Daniels certifying to the value of the services as set forth, and rendered by Judge Humphrey. Hereto annexed marked Exhibit "D."

Q. The counsel for the claimant also read in evidence the report of the committee on finance of the board of supervisors before whom the account of Judge Humphrey was presented, recommending the adoption of a resolution directing the clerk to draw an order for the amount. Hereto annexed, marked Exhibit "E."

Q. S. Hunt, sworn for the claimant testified:

I am deputy treasurer of the county of Erie. I have the order that was drawn in this case in favor of Judge Humphrey.

Q. The witness produced the order.

Leg. Doc. No. 8.]

The counsel for the claimant offered in evidence the order drawn by the clerk of the board which is in the words and figures following, that is to say:

"BUFFALO, December 16th, 1879.

TREASURER OF ERIE COUNTY :

Pay J. M. Humphrey or order twenty-eight hundred and fifty dollars out of the taxes of 1879, when collected.

(\$2,850.)

By order of the Board of Supervisors,

S. M. WELCH, JR.,

Clerk."

Indorsed on the back, "J. M. HUMPHREY."

{ A. W. EGGEET, ss }
{ 258 Chairman. ss }

W. B. SIRRETT,

Treasurer of Erie County, N. Y.

The same was received and marked "C."

The witness continued:

I paid him on the 17th of January with the money that belonged to the county of Erie.

S. M. Welch, Jr., sworn for the claimant, testified :

As clerk of the board of supervisors, and by direction of the board I drew the order Exhibit "C" in favor of Judge Humphrey to pay for the services in the case before the board. The order was drawn for that purpose, and the additional \$350 was for services in other cases.

EXHIBIT "A."

Order of Arrest—Certificate of the Sheriff—Certificate of the Justice to the Clerk of Erie County.

ALBANY COUNTY, ss.:

The People of the State of New York to the Sheriff of the county of Albany, Greeting:

Whereas complaint has this day been made by Alexander E. Orr and Daniel Magone, Jr., on oath before Honorable A. M. Osborne, Justice of the Supreme Court, that they have just cause to suspect and do suspect and believe that George D. Lord, of Rochester, in this State, did on or about the 9th day of February, 1871, within State, commit the crime of agreeing and consenting to receive a large amount of money other than his legal salary, fees and perquisites, for performing an official act, to wit: The favoring and voting in the Assembly of this State, the said Lord then being a member thereof, and an officer of this State, for a certain act entitled "An act for the Relief of John Hand," passed April 19th, 1871; and that said act of voting for and favoring said bill or act was in fact performed by the said Lord on or about the 19th April, 1871, with the express understanding on his part, and under the influence of said agreement and consent, and that the said Lord did subsequently in 1874, in consummation of said agreement, receive a large sum of money.

And the said justice having examined on oath the said complainants, and it appearing therefrom that there is just cause to suspect that the said Lord has committed the said offense:

, therefore, command you forthwith to take the said George D. and bring him before the said A. M. Osborne, justice of the same Court, at the county court-room, in the city hall, in the city of Albany, to be dealt with according to law. If you fail not at your peril.

In witness, the said A. M. Osborne, justice of the Supreme Court, at the city of Albany, in the county of Albany, the 25th day of August,

A. M. OSBORNE,
Justice of Supreme Court.

STATE OF NEW YORK, }
County of Albany and County.

I hereby certify that on the day of August, 1875, I arrested within named George D. Lord, pursuant to the within warrant, at the city of Rochester, and do now here produce the said George D.

at ALBANY, August, 1875.

STATE OF NEW YORK, }
County of Albany and County.

I hereby certify that upon being brought before me, the prisoner, George D. Lord, plead not guilty to the charge, waived an examination and produced bail, which was accepted by me, for his appearance at the next criminal court, to be held in the county of Erie, having recognizance of such offense; that I then proceeded at the request of the People to take the examination of witnesses touching such offense, caused the same to be reduced to writing and signed by the witnesses; and also required the witnesses to enter into recognizances for their appearance as witnesses at such court; all which proceedings I hereby certify to the clerk of the court in Erie county, as required by law.

August 31, 1875.

A. M. OSBORNE,
Justice Supreme Court.

EXHIBIT "B."

Recognizance.

STATE OF NEW YORK, }
County of Albany and County of Albany, } ss.:

It is remembered that on the 27th day of August in the year 1875, George D. Lord, James E. Walker and David Roll, severally and jointly came before me and severally acknowledged themselves indebted to the People of the State of New York, to wit, each in the sum of \$1000 to be respectively made and levied of their several goods and chattels, lands and tenements to the use of the said People in case default shall be made in the condition following:

The condition of this recognizance is such that if the above bounden George D. Lord shall personally be and appear at the next criminal court having cognizance of the offense with which he stands charged

and at which he may be indicted, to be holden in and for the county of Erie, and then and there answer to any indictment that may be preferred against him and obey the order and direction of the said court thereon, and do and receive what shall by the said court be then and there enjoined upon him and not depart the said court without leave, then this recognizance to be void or else to remain in full force.

GEORGE D. LORD,
JAMES E. WALKER,
DAVID ROLL.

Taken, subscribed and acknowl-
edged before me, this 27th day }
of August, 1875.

A. M. OSBORNE, *Justice of the Supreme Court.*

EXHIBIT "C."

Proceedings of Board of Supervisors of Erie County.

ERIE COUNTY BOARD OF SUPERVISORS,

THURSDAY, November 20th.—10.30 A. M.

The board met and was called to order by the chairman.

* * * * *

Mr. Thom, from the committee on finance, presented the following:
The County of Erie and its Board of Supervisors, to J. M. Humphrey, Dr.

To services as attorney and counsel on the part of the People in the several cases of indictments, *People v. George D. Lord* and several others found in Erie county (as per detailed statement annexed) in all \$5,000.00.

BUFFALO, October 4, 1879.

ERIE COUNTY, ss.:

J. M. Humphrey, being sworn, says the above account is a just and true account, and no part has been paid.

J. M. HUMPHREY.

Sworn before me, this 11th }
day of October, 1879.

D. W. ALLEN,

Notary Public, in and for Erie County, N. Y.

Hon. ALBERT HAIGHT, *Erie County Judge*:

Dear Sir—I respectfully request your approval to my employing Hon. James M. Humphrey as counsel in the trial of the case of *The People v. George D. Lord*, indicted for bribery as a member of the Legislature of the State of New York.

Your obedient servant,

DANIEL N. LOCKWOOD,
District Attorney of Erie County.

I approve of the above employment of Hon. James M. Humphrey in the above case.

ALBERT HAIGHT,
Erie County Judge.

DETAILED STATEMENT of the account of James M. Humphrey against the county of Erie for services, etc., as counsel for the People in the following cases:

The People
agst.
George D. Lord.

Erie County.

Indicted for the crime of bribery, to wit: "Taking a bribe as a member of the Legislature of 1871," in Superior Court of Buffalo, September 20, 1875. September 21, 1875, defendant arraigned and filed a special plea that the indictment was not found within the time required by the statute.

Motion by People to strike out the plea argued, and on the 2d day of October, 1875, motion granted and indictment sent to Oyer and Terminer for trial.

January 3, 1876, commenced trial, which lasted till the 12th day of January, when jury, not being able to agree, were discharged.

June 4, 1876, commenced second trial, which lasted until the 10th of June and the prisoner was convicted of the crime charged in the indictment.

Bill of exceptions made by the prisoner's counsel and amendments prepared by counsel for People and settled by Justice Daniels on argument before him.

Motion by prisoner for certificate staying sentence, etc., opposed by counsel for the People, granted.

October 26, 1877, case argued at General Term at Rochester and conviction reversed on grounds that offense was barred by statute of limitations.

Indictment contained 163 folios and bill of exceptions, 2,094 folios.

People
agst.

George D. Lord, Alex. Barkley, Thad. Davis, L. J. Bennett and Wm. H. Bowman.

Erie County.

September 20, 1875, indicted in Superior Court of Buffalo for the crime of a conspiracy to rob, defraud the State out of large sums of money for damages obtained by an award of the Canal Commissioners under the law passed for relief of John Hand, being the same law which it is charged that Lord took the bribe to pass, for which the indictment for bribery above stated was found against him and on which Lord was tried.

This indictment was very voluminous.

People
agst.
Ellis Webster.

Erie County.

September 20, 1875, indictment for perjury found in Superior Court

of Buffalo for swearing to an account against the State for material used by officers in charge of canal at Buffalo.

Indictment quite voluminous.

The People <i>agst.</i> Clinton Welch, Ellis Webster and Caryle.	}	<i>Erie County.</i>
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September 20, 1875, indictment found in Superior Court of Buffalo for conspiracy to rob and defraud the State by false accounts for material, etc., furnished to officers of canal.

The People <i>agst.</i> Clinton Welch.	}	<i>Erie County.</i>
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September 20, 1875, indicted in Superior Court of Buffalo for perjury in swearing to accounts as canal collector.

The People <i>agst.</i> John Kelly.	}	<i>Erie County.</i>
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September 20, 1875, indicted in Superior Court of Buffalo for perjury in swearing to accounts against the State as canal collector.

The People <i>agst.</i> John Kelly.	}	<i>Erie County.</i>
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September 20, 1875, indicted in Superior Court of Buffalo for bribery in office of canal collector.

The People <i>agst.</i> J. F. Behn.	}	<i>Erie County.</i>
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September 20, 1875, indicted in Superior Court of Buffalo for misdemeanor in hiring a tug boat, in part owned by him, when in the employ of the State on the canals.

The grand jury that found these indictments met on the 6th day of September, 1875, and were in session investigating these cases until and after the 20th instant. I was retained as counsel for the People in said prosecutions by the district attorney of Erie county, and

Hon. Charles S. Fairchild, Attorney-General, and Hon. D. Magone, commissioner, etc., at the commencement of the sitting of the grand jury.

I drafted the indictments which were voluminous and involved long and careful examination both of the law and evidence, including documentary evidence taken before the commissioner and also the State records in relation to the canals and contracts. I had the general charge of the legal questions involved in the motions made in said cases, and on the trials of the indictments against Lord; and the preparing and arranging the evidence on each trial, and the examination of the witnesses upon the trials; attended the preparing amendments and settlement of bill of exceptions; prepared the brief and argued the case at the General Term.

That at three different terms of court I examined and prepared the case of Kelly and Lord, and others for trial, but in consequence of the inability to obtain some of the testimony necessary for the trial, the cases were not tried; that from the time I was retained about the first day of September, 1875, until the conviction of Lord, and taking his case to General Term, a great deal of my time was occupied in said cases. That after its decision reversing the conviction and ordering the prisoner discharged October, 1877, upon the suggestion of the Attorney-General and the district attorney, I again made a careful and thorough examination and review of the law and authorities to determine the priority of the people bringing a writ of error to the Court of Appeals for the review of the decision of the General Term.

That after the conviction of Lord, and until the decision of the General Term, and my examination of the case thereafter as before stated, hardly a week passed that I did not devote more or less time and labor to these cases, all of which is respectfully submitted.

J. M. HUMPHREY.

BUFFALO, *October 13, 1879.*

ERIE COUNTY BOARD OF SUPERVISORS, }
MONDAY, *December 1st, 1879, 2 P. M.* }

The Board met and was called to order by the chairman.

* * * * *

Mr. Thom moved that the report of the committee on finance presented November 20th be taken from the table.

Adopted.

Mr. Thom moved that said report be adopted.

Adopted.

ERIE COUNTY BOARD OF SUPERVISORS, } ss.:
Clerk's Office,

I, Samuel M. Welch, Jr., clerk of the board of supervisors of the county of Erie, do hereby certify that I have compared the foregoing copies of the minutes of the proceedings of the board of supervisors of Erie county with the original minutes on file in my office, and that the same are true and correct copies of the same and of the whole thereof.

SAMUEL M. WELCH, JR.,

Clerk of the Board of Supervisors of Erie County.

Dated BUFFALO, *March 15, 1880.*

EXHIBIT "D."

Certificates of Charles Daniels, Justice of the Supreme Court.

The People
agst
George D. Lord.

Erie County.

Indictment for bribery as member of the Legislature of New York.

I certify that I was the presiding judge on the trial of the above entitled case against said George D. Lord, upon an indictment for bribery, to wit: receiving a bribe as a member of the Legislature of the State of New York, tried in the Court of Oyer and Terminer, held in and for Erie county; that said case was tried twice. On the first trial the jury disagreed and upon the second trial the prisoner was convicted; that James M. Humphrey, counselor at law, was employed by Hon. D. N. Lockwood, the district attorney of said county, to assist him as counsel upon said trials; that he was so designated, appointed, and employed at the request of Charles S. Fairchild, Attorney-General of the State of New York (who was also present at the first trial), and at the request of said district attorney and with the approval in writing of Hon. Albert Haight, county judge of Erie county.

And I further certify that the fair value of the services of Mr. Humphrey as aforesaid, and the costs and expenses thereof are \$2,500, all of which is respectfully certified to the board of supervisors of Erie county.

BUFFALO, November 17, 1879.

CHAS. DANIELS,
Justice presiding, etc.

The People
agst

George D. Lord, Alex. Barkley, Thad. Davis, L. J. Bennett and W. H. Bowman.

Erie County.

Indictment for conspiracy to rob and defraud the State of New York.

The People
agst
Ellis Webster.

Erie County.

Indictment for perjury in verifying an account against the State of New York.

The People <i>agst.</i> Clinton Welch, Ellis Webster and Ca- ryle.	} <i>Erie County.</i>
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Indictment for conspiracy to rob and defraud the State of New York, etc.

The People <i>agst.</i> Clinton Welch.	} <i>Erie County.</i>
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Indictment for perjury in verifying an account against the State of New York.

The People <i>agst.</i> John Kelly.	} <i>Erie County.</i>
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Indictment for perjury in verifying an account against the State of New York.

The People <i>agst.</i> John Kelly.	} <i>Erie County.</i>
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Indictment for bribery in office of canal collector.

I certify that the value of the legal services and the cost and expenses thereof of James M. Humphrey, designated and employed by Hon. O. S. Fairchild, Attorney-General of the State of New York, at the request of the district attorney of Erie county, to act as counsel for the People in the above entitled cases, was and is \$350, all of which is respectfully certified to the board of supervisors of Erie county.

BUFFALO, November 17, 1879.

CHAS. DANIELS,
Justice presiding, etc.

EXHIBIT "E."

Report of Finance Committee.

To the Honorable, the Board of Supervisors of Erie county :

Your committee on fiscal affairs, to whom was referred the foregoing account of James M. Humphrey, for services as counsel in the cases of the People against George D. Lord and others, respectfully report

[Assem. Doc. No. 8.] 4

that section 284, Chap. 12, Title 2, Part 1, Revised Statutes, compels the board of supervisors to pay to counsel, employed to aid a district attorney in such cases, the compensation certified by the judge who presided at the trial thereof, and leaves to the board no discretion in the fixing of such compensation; your committee therefore recommends the adoption of the following resolution:

Resolved, That the clerk of this board be directed to draw an order on the county treasurer (payable from the contingent fund), in favor of James M. Humphrey, for the sum of two thousand eight hundred and fifty dollars (\$2,850), in full for his services as counsel in the case mentioned in the foregoing certificate of Judge Daniels.

* * * * *

F. M. THOM,
C. E. YOUNG,
E. S. MORTON,
E. R. ADAMS,
JOHN ROBERTS,
ORLIN C. BROWN,
H. B. MILLAR.

Laid on the table and ordered printed.

Certificate of District Attorney of Erie County.

STATE OF NEW YORK, }
Erie County District Attorney's Office, } ss.:

I, Robert C. Titus, district attorney of the county of Erie, hereby certify that I have caused to be compared the foregoing copy of warrant, return and recognizance with the originals on file in my office, and that the same are true and correct transcripts of the said originals and of the whole thereof.

E. W. PATTISON,

Ass't and Acting District Attorney

Dated BUFFALO, *March 15th*, 1880.

Evidence closed and case submitted for decision.

On motion, it is ordered that the claim of the county of Erie be allowed at the sum of \$2,500.

No. 3.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, on Thursday, February 12th, 1880:

PRESENT—Joseph B. Carr, Secretary of State; James W. Wadsworth, Comptroller; Nathan D. Wendell, Treasurer—members of the Board.

No. 179.

In the Matter of the claim of Weed, Parsons & Co. <i>agst.</i> The State of New York.
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Claim for printing done by order of the Senate; amount claimed, \$100.

CLAIMANT'S STATEMENT.

State of New York, to Weed, Parsons & Co., Dr.

April, 1873, printing one thousand copies Convention Doc. No. 1, seventy-two pages, furnished pursuant to a resolution of the Senate, passed March 19, 1873, \$100.

Appropriation for above in 1878.

I certify the foregoing to be correct.

CHAS. R. DAYTON,
Clerk Senate, 1873.

STATE OF NEW YORK, } ss.:
County of Albany, }

John D. Parsons, of the firm of Weed, Parsons & Co., being duly sworn, deposes and says, that he is of the firm of Weed, Parsons & Co., doing business in the city of Albany; that the account for \$100, hereto attached, was for work and material furnished pursuant to a resolution of the Senate of the State of New York, passed March 19, 1873. For some reason which this deponent cannot now call to mind, and probably by an oversight, the account was not presented for payment in 1873, and since that time this item has been overlooked until it was brought to our attention by our book-keeper in 1878, when application was made to the committee of ways and means and it was placed in the supply bill of that year, passed and approved by the Governor; that the account has several times been presented to the Comptroller, but payment has been refused on the ground that it had not been presented to the Board of Audit previous to its being acted on by the committee of ways and means of 1878.

That the undersigned now, by the advice of the Comptroller, presents it to your Board. The only witness we can present is our book-keeper, James Comstock.

JOHN D. PARSONS.

Sworn before me, this 1st }
day of December, 1879. }

H. B. PARSONS, *Notary Public.*

Evidence closed and case submitted.

On motion it is ordered that the claim of Weed, Parsons, & Co. allowed at the sum of \$100.

No. 4.

At a meeting of the State Board of Audit held at the office of the Secretary of State on Thursday, February 12th, 1880 :

PRESENT—Joseph B. Carr, Secretary of State; James W. Wadsworth, Comptroller; Nathan D. Wendell, Treasurer — members of the Board.

No. 174.

In the Matter of the claim of A. W. Jennings <i>agst.</i> The State of New York.	}
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Claim for services rendered at Sing Sing prison ; amount claimed \$800.

CLAIMANT'S STATEMENT

The People of the State of New York, to A. W. Jennings, Dr.

To upholstery, decorating, laying carpets, etc., at male and female prison at Sing Sing, for years 1870 and 1871, \$300.

NEW YORK, April 1st, 1873.

I certify that I was agent and warden of Sing Sing Prison during years 1870 and 1871, and that services as specified in above list were rendered by said A. W. Jennings.

(Signed)

E. McC. RUSSELL,

Late Agent and Warden

The People of the State of New York, to A. W. Jennings, Dr.

To upholstering, decorating, laying carpets, making new awnings, etc., at male and female prisons at Sing Sing, in the year 1869	\$150
To upholstering, decorating, laying carpets, making new awnings, etc., at male and female prisons at Sing Sing, in the year 1872	150
Superintendent of farm labor	200
	\$500

SING SING, April 7th, 1873.

I certify that I was agent and warden of Sing Sing Prison during years 1869 and 1872, and that all services mentioned in above list were performed by and under the direction of said A. W. Jennings.

(Signed)

HENRY C. NELSON,

Late Agent and Warden

ALBANY, January 30th, 1879.

The People of the State of New York, to A. W. Jennings, Dr.

To upholstery, decorations, laying carpets, making new awnings, etc., at male and female prisons at Sing Sing, N. Y. during the year 1869	\$150 00
To upholstery, making mattresses, laying carpets, hanging curtains, covering chandeliers, etc., at male and female prisons during 1870.....	150 00
To upholstery, laying carpets, making mattresses, hanging curtains, covering chandeliers, etc., at male and female prisons, during 1871.....	150 00
To upholstery, repairing awnings, laying carpets and oil-cloths, repairing mattresses, etc., at male and female prisons, during 1872.....	150 00
Superintendence of farm labor.....	200 00
	\$800 00

CITY AND COUNTY OF ALBANY, ss. :

On this 29th day of October, 1879, before me personally appeared A. W. Jennings, and after being by me duly sworn, deposes and says: That the services herein above mentioned were rendered and performed by him as above stated at Sing Sing Prison at the request of the prison authorities: that deponent never received any pay or remuneration for said services; that he has never before this time presented this claim, or any claim for said services, to any branch or officer of the State government; that deponent relies upon the certificates of the prison authorities hereto annexed, besides his own testimony, which he is ready and willing to give at any time when he may have such opportunity.

A. W. JENNINGS.

Sworn to before me, this 29th }
day of October, 1879, }

L. C. G. KSHINKA, *Notary Public.*

STATE BOARD OF AUDIT, }
OFFICE OF THE SECRETARY OF STATE, }
ALBANY, February 12th, 1880. }

In the Matter of the claim of A. W. }
Jennings }
agent. }
The State of New York, }

Wm. B. Ruggles, First Deputy Attorney-General, Counsel for the State; Wm. H. Terrill, Esq., Counsel for the Claimant.

TESTIMONY.

A W Jennings, sworn in his own behalf, testified :

I reside at 48 South Ferry street, in this city.

Q. In 1869, 1870, 1871 and 1872 were you connected with Sing Sing prison? A. Yes, sir; I was yard-master.

Q. During the years 1869, 1870, 1871 and 1872, did you perform the services mentioned in your bill of items? A. Yes, sir; upholstering, decorating, laying carpets and making new awnings, etc.

Q. Under whose authority did you perform the services mentioned? A. The agent and warden.

Q. Why did you not present your bills for payment at the end of each year? A. I never settled; he said, "When you make out your bill I will certify to it and you can get your money in Albany;" they paid me for the first year; Mr. McRussell was agent and warden; he says, "You have got to superintend this farm;" in 1871, Mr. McRussell paid me again, \$200; in 1872 Mr. Nelson was agent and warden; he said, "You make out your bill and I will sign it, and you get your money in Albany;" I let it stand, and I came up here; I gave it to Mr. Kshinka, and he told me I had got to go before the State Board of Audit.

Q. Who appointed the superintendent of farm labor? A. The agent and warden; the upholstering he asked me if I wouldn't do, and I told him "yes;" in the spring of the year there was plenty of work.

Cross-examination:

Q. When did your connection with Sing Sing prison first commence? A. The 6th of January, 1869.

Q. You were then appointed yard-master? A. I was a keeper in the shoe shop until in May, 1869, when I was promoted to yard master; the salary of yard-master was \$1,000 per year; I retained my position as yard master about three years and nine months, until 1873.

Q. It was during that time that this superintending and upholstering was done? A. Yes, sir.

Q. And during that same time that you did the superintending of the farm? A. Yes, sir.

Q. You got your salary regular—a thousand dollars a year? A. Yes, sir.

Q. When was this upholstering and carpet business done; what part of the year 1869? A. The first I done was in June, 1869, about that time.

Q. What did that labor of yours consist of? A. Relaying the carpets.

Q. Were other parties engaged in laying the carpets? A. No, sir; I cut them and superintended the putting up.

Q. What upholstering was there? A. There was carpet laying.

Q. What was the upholstering? A. Window shades and improvements for the male and female prison; there was loose curtains to be hung and lambrequins to be put up.

Q. How long did that take? A. I could not give you any time on that.

Q. Why did you charge \$150 if you cannot tell what time you occupied? A. I put it on by the year.

Q. You charge \$150 for superintending the upholstering, and laying carpets, making new awnings, etc., in 1869. A. Yes, sir.

Q. How are you able to fix it at that definite sum, at \$150, unless

you know how long it took to do it? A. We will have so much for each item.

Q. What rates do you charge? A. I lump the work for the whole year around.

Q. All the work you did in that respect, in 1869, you call worth \$150? A. Yes, sir; for the year around.

Q. In 1870 you have a charge of \$150 for upholstering, making mattresses, laying carpets, hanging curtains, covering chandeliers in male and female prisons? A. Yes, sir.

Q. Have you any idea of the time that it took? A. That year it took a longer time than it did a year before; we had the carpets cleaned.

Q. That year also you had females to help? A. No, sir; the carpets were only sewed by the female convicts.

Q. In laying down carpets did you have assistance? A. No, sir; I laid them down myself.

Q. In what rooms were they laid? A. In the matron's rooms and in the hall and stairs; it was the principal matron's apartments; she had some new carpets and mattresses to make over, and some window curtains to make over; when they wear out I have got to put them up.

Q. Those put up in 1870 were the same curtains put up in 1869? A. I could not tell you whether they were new ones or old ones made over; there were some new ones and old ones; they had a general cleaning out every year.

Q. In 1871 the same thing was done over again? A. They took the carpets every year and cleaned them.

Q. The third year you had the same work — taking up carpets? A. Yes, sir; and we had some new work; we had a carpet in the office.

Q. How big is the office? A. It is the office occupied by the warden.

Q. The years 1869, 1870 and 1871, which you charge \$150 each year for, was substantially the same kind of work? A. Yes, sir.

Q. Didn't you put down the carpets and put up the curtains yourself? A. Yes, sir; and upholstered the sofas.

Q. When you were detached from the business of yard-master at that time how did the warden get along with the business of yard-master? A. When I had a leisure hour I went up and done that work; I have worked there Sunday mornings when the prison was closed.

Q. In 1872, \$150 for doing similar work, that was substantially the same work that was done the other three years? A. Yes, sir; the same kind of work.

Q. Then you charge \$200 for superintending farm labor; where is that farm? A. Connected with the prison.

Q. How big is it? A. About sixty or seventy acres of land.

Q. How much under cultivation? A. Might have been perhaps fifteen or twenty acres; the labor was done by convicts.

Q. When they were at work you was superintending them? A. I had to be there and give them directions; the most I raised was vegetables; I had to be there and keep the convicts from running away.

Q. What were the duties of yard-master? A. He has got to look

after every thing that is in the yard to be done, and has his convicts for instance masons, carpenters — to go and look after the work.

Q. If any work has to be done inside the prison, the yard-master is to direct what is to be done and see if it is done? A. Yes, and any business of the principal keeper, I had to attend to it; anything I was set to do I did it.

Q. How long did this superintending of farm labor continue? A. From April until fall.

Q. During these several years that you were there, you occasionally went to the farm to see that the convicts did not run away? A. The farm was the same as it was with the other work; when there was a piece of land worked inside the line the convict could work alone, when they worked outside sometimes I had to take a guard along.

Testimony closed.

The counsel for the State objected to the allowance of this claim on the ground:

1st. That it appears by the testimony in this case, that during the time the services were being performed, as set forth in the bill of items attached to the claimant's petition, the claimant was receiving one thousand dollars per year for services as yard-master at Sing Sing prison.

2d. Article 3, section 24 of the State Constitution provides that the "Legislature shall not grant any extra compensation to any public officer, servant, agent, or contractor."

The prohibition is absolute and unqualified, and the claimant's petition should be dismissed.

Case submitted for decision.

On motion it is ordered that the claim of A. W. Jennings for services rendered at Sing Sing prison be disallowed.

No. 5.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, on Wednesday, February 11th, 1880:

PRESENT—Joseph B. Carr, Secretary of State; James W. Wadsworth, Comptroller; Nathan D. Wendell, Treasurer—members of the Board.

No. 165.

In the Matter of the claim of
Timothy J. Sullivan
agst.
The State of New York.

Claim for materials furnished in the construction of the Capitol; amount claimed, \$8,346.18.

CLAIMANT'S STATEMENT.

BEFORE THE HON. THE STATE BOARD OF AUDIT.

In the Matter of the claim of Timothy J. Sullivan agst. The State of New York.	}
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To the Hon. FREDERICK P. OLCOTT, *Comptroller*; Hon. ALLEN C. BEACH, *Secretary of State*; Hon. JAMES MACKIN, *State Treasurer*; composing the State Board of Audit, of, in and for the State of New York:

The statement of Timothy J. Sullivan, the claimant herein, to your honorable Board, respectfully shows: That in or about the month of August, 1874, he, the said claimant, made and entered into a contract with the State of New York to furnish certain iron beams, girders, plates, anchors, bolts and other iron building material necessary to be used in and about the construction of the New Capitol building in the city of Albany, then being constructed by said State, by and under the direction of certain commissioners, and James W. Eaton, a superintendent of said work, duly appointed in pursuance of law, upon terms and conditions set forth in said contract, as will appear by reference to said contract, on file with said superintendent, a copy of which is hereto annexed, marked "Exhibit A," and which contract and specification attached claimant makes a part of this statement.

That claimant proceeded with the work under said contract diligently and in good faith, and in all things duly performed the same, and all the covenants and agreements therein on his part, and claimant performed work and labor outside of said contract, at prices agreed upon with said Eaton and reasonably worth as charged in schedule "B" expressed, duly kept and fulfilled.

That under said contract and agreement he furnished and delivered materials and performed work and labor and cartage, as set forth particularly in a bill of particulars of all said work hereto attached, and forming a part of this statement, and marked "Exhibit B," to the amount of \$69,242.42.

That in payment for said work and materials, cartage, etc., as set out in Exhibit B, aforesaid, he has received payments from the State, as set forth in "Exhibit C," hereto attached, and forming part of this statement, to the amount of \$60,921.44 and no more, and that there now remains legally and equitably due and unpaid upon said contract and said agreement for said work, etc., by said State to said claimant, the sum of \$8,320.98 and interest since the 9th day of March, 1876, over and above all payments and offsets.

That his claim in this case arises from the increased weight of the girders over schedule weight and sizes, which were directed to be so increased by Thomas Fuller, the architect of said Capitol.

That the proofs upon which this claimant relies are:

The contract and specifications, etc., between this claimant and the State, filed, as this claimant believes, in the office of the superintendent of the New Capitol.

That the names of claimant's witnesses are Thomas Fuller, architect, Caldwell, Warren county, N. Y.; James W. Eaton, Albany, N. Y.; claimant's self, and his books of account, or bills rendered; Mr. Palmer, clerk to Mr. Eaton, of Albany, N. Y.

And the statement of claimant further shows that his said claim has been presented for payment in the spring of 1876, and since to James W. Eaton, superintendent of the New Capitol, and the same was not adjusted or paid.

Wherefore this claimant respectfully prays that your Honorable Board will speedily determine on his claim and allow him the sum which he is, equitably entitled to be paid by the State, and he will ever pray, etc.

TIMOTHY J. SULLIVAN.

CHARLES HUGHES, *Attorney.*

STATE OF NEW YORK, }
City and County of Albany, } ss.:

Timothy J. Sullivan, being duly sworn, says: He is the claimant named in the foregoing statement, that he resides in the city of Albany, N. Y.; that the foregoing statement is true to the knowledge of deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believes it to be true.

T. J. SULLIVAN.

Sworn to and subscribed before me, }
this 15th day of April, 1879, by T. J. }
Sullivan, to me personally known. }

HUGH REILLY, *Notary Public, Albany County.*

EXHIBIT "A."

Contract.

Contract between the State of New York and Timothy J. Sullivan, engineer and machinist of the city of Albany, State of New York

WHEREAS, Timothy J. Sullivan has, upon invitation issued by Thomas Fuller, architect, proposed to furnish for the ground and entrance floors of the New Capitol, at Albany, N. Y., all the rolled iron beams and riveted plate and box girders, with cast iron bed plates, separators and wrought iron tie-rods, bolts, etc., conformable to the specifications, conditions and letter of invitation, which are hereto annexed and form a part of this contract; and

WHEREAS, the New Capitol commissioners desire the right to use rolled iron beams and riveted plate and box girders, etc., in the construction of the floors of the New Capitol:

Now, therefore, this indenture made and entered into by and between James W. Eaton, general superintendent of the New Capitol, for and in behalf of the State of New York, of the first part, and Timothy J. Sullivan, the party of the second part,

Witnesseth, that the said party of the second part, for himself and his successors and assigns, doth covenant and agree with the party of

the first part that he will furnish and deliver at the New Capitol all the rolled iron beams and riveted plate and box girders, with cast iron bed-plates, separators, wrought iron tie-rods, bolts, etc., and of such weights and in such quantities as may be, from time to time, ordered by the architect, and for such portions of the ground and entrance floors as the architect shall direct, commencing as soon as possible and proceeding in such order so that the whole of the rolled iron beams, riveted plate and box girders, with cast iron bed-plates, separators, wrought iron tie-rods, bolts, etc., for the ground floor shall be delivered at the New Capitol in every respect complete and ready for placing in the work on or before the first day of September, one thousand eight hundred and seventy-four, and all required for the entrance floor on or before the twenty-first day of September, eighteen hundred and seventy-four; subject in every respect to the specifications, conditions, invitation and proposal hereunto annexed.

And the said party of the first part, for and in behalf of the State of New York, doth covenant and agree to pay, or cause to be paid, to the party of the second part, his successors or assigns, in the manner following, viz.:

For rolled iron beams with tie-rods, etc., per lb. (5 3-4 cts.) five and three quarter cents.

For riveted plate and box girders, drilled and planed, per lb. (6 7-10 cts.) six and seven tenths cents.

For cast iron bed-plates, separators, etc., per lb. (4 1-8 cts.) four and one eighth cents.

For fifteen-inch rolled iron beams, per lb. (6 1-2 cts.) six and one-half cents.

For delivering and unloading the above at the New Capitol, per ton, (50 cts.) fifty cents.

All rolled beams to be the same sections and weights as the standards of the Trenton Iron Company of New Jersey, or the Union Iron Company of Buffalo, N. Y.

Ninety per centum of such payments shall be made upon the certificate of the architect for all rolled iron beams, riveted plate and box girders with cast iron bed-plates, separators and wrought iron tie-rods, bolts, etc., so delivered and accepted; and the residue, ten per centum, (one-tenth thereof) will be retained until three months after the entire completion and delivery of the said beams, girders, etc., and the approval and acceptance of the same by the architect and superintendent, which amount shall be forfeited by the said party of the second part in the event of the non-fulfillment of this contract to their entire satisfaction.

The party of the first part reserves the right to increase or diminish the number of beams or girders, or the materials and labor required, or to modify the sizes.

It is further agreed between the said parties that this contract is entered into upon the condition that the said party of the second part shall not apply to the Legislature for any compensation over and above the prices named in this contract for any beams, girders, or other materials delivered.

It is further covenanted and agreed between the parties of this contract that the party of the second part shall execute, with two or more

sureties, a bond to the State of New York, in the penal sum of fifty thousand dollars, conditioned for the faithful performance of this tract and the agreements and covenants herein made by the parties to the second part.

In witness whereof, the parties have hereunto subscribed their names and affixed their seals this eighth day of August, one thousand eight hundred and seventy-four.

T. J. SULLIVAN.

Signed and sealed in }
presence of }
JOSEPH DAVIS.

James W. Eaton, Superintendent New State Capitol, to T. J. Sullivan, Dr.

1874.

Sept. 21, 151. 163,770 pounds iron beams

172,897 do do

117,776 do do

454,443 lbs. at 5 3-4 cts. \$26,130 47

Cartage on 227 1-2 tons at
50 cts. 113 75

\$26,24

Oct. 1, 153. 4 beams, marked "R." 83,784
lbs. at 6 7-10 \$5,613 52

Cartage on 41 3-4 tons at 50
cts. 20 87

Oct. 4, 153. 2,690 lbs. bearing plates (tower)
at 4 1-8 cts. 110 96

Cartage on 1 1-4 tons at 50 cts
62

Oct. 5, 153. 1,520 lbs. cast iron separators
at 4 1-8 cts. 62 70

Cartage on 3-4 ton at 50 cts.
37

Oct. 6, 153. 1 beam 37 ft. 8 in. long, 11,594
lbs. at 6 7-10 cts. 776 79

"G." FLOOR, SOUTH HALF.

Oct. 6, 153. 1 beam 36 ft. 4 in. long, 11,262
lbs. at 6 7-10 cts. 754 55

Oct. 6, 153. 6,196 lbs. wrought iron tie-
rods at 5 3-4 cts. 356 27

Oct. 6, 153. 1,950 lbs. cast iron separators
at 4 1-8 cts. 80 44

Cartage on 15 1-2 tons at 50
cts. 7 75

Oct. 7, 153. 3,948 lbs. plate stiffeners at
6 7-10 cts. 264 51

For two Beams, Tower R.

Oct. 7, 153. 1,580 lbs. castings for box
beam at 4 1-8 cts. 65 17

Cartage on 2 3-4 tons at 50 cts.
1 37

Carried forward \$8,115 89

\$26,24

Brought forward.....	\$8,115 89	\$26,244 22
Oct. 10, 154. 6 wall plates, 2,160 lbs. at 4 1-8 cts.....	\$89 10	
Cartage on 1 ton.....	50	
Oct. 13, 155. 1 box beam 24,908 lbs. at 6 7-10 cts., marked B. G. F. N. H.	1,668 83	
Cartage on 12 1-2 tons at 50 cts	6 12	
Oct. 13, 155. Error charge in cartage.....	27	
Oct. 17, 157.. 13 wall plates, 4,650 lbs. at 4 1-8 cts.....	191 81	
1 keg rivets, 2 3-4 — 3-4, 160 lbs. at 6 7-10 cts	10 72	
Oct. 23, 159. 425 lbs. iron anchors at 4 1-8 cts	17 53	
45 lbs. iron bolts at 4 1-8 cts..	1 85	
Oct. 24, 159. 15 wall plates, 5,350 lbs. at 4 1-8 cts	220 69	
Oct. 24, 159. 1,478 lbs. iron anchors at 4 1-8 cts.....	60 96	
Oct. 26, 159. 10 iron hangers for scaffolding, 200 lbs. at 4 1-2 cts	9 00	
15 hours' time forging, 3 black- smiths and helper, at 90 cts.	13 50	
1 keg 3 5-8 rivets, 100, 6 7-10 cts	6 70	
Oct. 27, 159. 7 lbs. iron bolts, at 4 1-8 cts..	28 00	
480 lbs. iron anchors, at 4 1-8 cts	19 80	
Nov. 1, 163. 2 beams 15 by 66 2-3, 21 ft. 8 in. G, Ground Floor, S. H.		
4 beams, 15 by 66 2-3, 21 ft. 6 in. L, Drawing No. 1... ..		
2 beams, 15 by 66 2-3, 21 ft. 8 in. G, north half		
2 beams, 15 by 66 2-3, 21 ft. 8 in. J, Drawing No. 1.....		
		10,433 55

ENTRANCE FLOOR, NORTH HALF.

2 beams. 15 by 66 2-3, 21 ft. 8 in, L, Drawing No. 2.....		
2 beams, 15 by 66 2-3, 22 ft. F, South Half		
2 beams, 15 by 66 2-3, 22 ft. N, Drawing No. 2		
2 beams, 15 heavy, 21 ft. 8 in. 26,045 lbs. at 6 1-2 cts....	\$1,692 93	
Cartage 13 tons	6 50	
		1,699 43

Carried forward..... \$38,377 20

Brought forward.....		\$38,377 20
Nov. 3, 164.	1 bm. Room A, 38f. 0in. 12,356	
	1 bm. Room A, 38ft. 0in. 12,298	
	1 bm. Room D, 36ft. 3in. 11,864	
	1 bm. Room N, 36ft. 3in. 11,894	
	1 bm. Room O, 38ft. 0in. 12,369	
	1 bm. Room Q, 36ft. 3in. 11,812	
	1 bm. Room W, 36ft. 3in. 11,859	
<i>Entrance Floor :</i>		
	1 bm. Room Y, 38ft. 0in. 12,348	
	1 bm. Room Q, 36ft. 3in. 11,847	
	1 bm. Room B, 36ft. 3in. 11,865	
	1 bm. Room A, 38ft. 0in. 12,341	
	1 bm. Room A, 38ft. 0in. 12,312	
	1 bm. Room C, 32ft. 8in. 10,738	
		155,903
lbs. at 6 7-10 cts		\$10,445 50
Cartage on 77 3-4 tons, at 50 cts. .		38 87
		10,484 37
<i>Ground Floor :</i>		
	1 bm. Room B, 37ft. 8in. 11,612	
	1 bm. Room N, 36ft. 4in. 11,284	
	1 bm. Room P, 36ft. 4in. 11,247	
	1 bm. Room N, 36ft. 4in. 11,289	
	1 bm. Room M, 37ft. 8in. 11,612	
	1 bm. Room L, 36ft. 4in. 11,302	
	1 bm. Room E, 36ft. 4in. 11,259	
	1 bm. Room B, 37ft. 8in. 11,591	
		91,196
lbs. at 6 7-10 cts.....		\$6,110 13
Cartage on 45 1-2 tons, at 50 cts		22 75
		6,132 88
Nov. 3, 165.	19 Cast iron wall plates, 7,740	
	lbs. at 4 1-8 cts.....	\$319 27
	Cast iron separators, 2,690 lbs.	
	at 4 1-8 cts.....	110 96
	Cartage on 14 tons, at 50 cts.	7 00
		437 23
Nov. 4, 165.	5 Cast iron wall plates, 2,460 lbs. at 4 1-8	
	cts	101 48
	Cartage on 1 ton	50
Nov. 5, 166.	1 keg rivets, 160 lbs. at 6 7-10 cts.....	10 72
Nov. 12, 166.	4 tie-bolts, 60 lbs. at 5 3-4 cts	3 45
Nov. 12, 166.	22 tie-bolts, 370 lbs., at 5 3-4c.	\$21 27
Nov. 14, 167.	1 keg rivets, 160 lbs., at	
	5 7-10 cts.....	10 72
		31 99
Carried forward.....		
		\$55,579 83

Brought forward.....		\$55,579 82
Nov. 14, 169. To time placing beams in position, commencing Oct. 26, 1874, ending Nov. 18, 1874:		
To 1 man 17 days, at \$7.00 .	\$119 00	
1 man 17 days, at 3.50 .	59 50	
1 man 16 days, at 2.50 .	40 00	
1 man 16 days, at 2.25 .	36 00	
1 man 16 days, at 2.00 .	32 00	
1 man 16 days, at 2.00 .	32 00	
1 man 17 days, at 1.50 .	25 50	
1 man 17 days, at 2.50 .	42 50	
1 man 17 days, at 2.50 .	42 50	
1 man 10½ days, at 1.75 .	18 81	
1 man 10½ days, at 1.75 .	18 81	
1 man 5 days, at 1.75 .	8 75	
1 man 5 days, at 1.75 .	8 75	
1 man 2½ days, at 1.50 .	3 75	
1 man 13½ days, at 3.25 .	43 87	
1 man 15½ days, at 2.75 .	41 93	
1 man 7 days, at 2.75 .	19 25	
1 man 19½ days, at \$4.50 per week.....	14 62	
1 man 2½ days, at \$1.00 .	2 50	
1 man 11 days, at 1.75 .	19 25	
1 man 2 days, at 2.75 .	5 50	
To over-time men on derrick,	23 00	
	\$657 79	
Add 15 per cent.....	98 65	
300 lbs. coal, at 50 cts. a hundred.....	1 50	
Use of tackling 17 days, at \$10	170 00	
	\$927 94	
Nov. 20, 171. 24 tie-rods and anchors, 369 lbs. at 5 3-4 cts.	21 22	
Nov. 21, 171. 35 tie-rods and anchors, 610 lbs. at 5 3-4 cts.....	35 07	
Nov. 28, 173. 4 tie-bolts, 12 anchors, 250 lbs. at 5 3-4 cts.....	14 37	
	998 60	
Dec. 1, 176. 5 bm. 15in. 18ft. 0in. 2 Q. N.....		
1 bm. 15in. 17ft. 9in. 2 Q. N.....		
2 bm. 15in. 18ft. 0in. S. G. N.		
7,188 lbs., at 6 1-2 cts.....	\$467 22	
3 bm. 15in. 18ft. 0in. S. G. N.....		
1 bm. 15in. 17ft. 9in. S. G. N.		
3,588 lbs., at 6 1-2 cts	233 22	
2 bm. 15in. 18ft. 6in. Q. G. S.....		
Carried forward	\$700 45	\$56,578 42

Brought forward.....		\$700 45	\$57,578
Dec. 1, 176.	2 bm. 15in. 12ft. 7in. S. G. S.....		
	2 bm. 15in. 18ft. 6in. S. G. N.....		
	2 bm. 15in. 12ft. 7in. Y. G. U.		
	8,289 lbs., at 6 1-2 cts ...	538 78	
	2 bm. 12 1-4in. H. 21ft. 0in.		
	2,380 lbs., at 5 3-4 cts	136 85	
	Cartage, 10 1-2 tons, at 50 cts.	5 25	
			1,381
Dec. 1, 177.	6 wall plates, 2,985 lbs.		
	27 separators, 2,760 lbs.		
	6 wall plates, 2,975 lbs.		
	42 separators, 4,290 lbs.		
	13,010 lbs. at 4 1/4 c.	\$536 66	
Dec. 3, 177.	Tie-bolts 286 lbs. at 5 1/2 c.	16 45	
Dec. 10, 178.	8 anchors 145 lbs. at 5 1/2 c.	8 84	
Dec. 16, 180.	1 girder 24,247 lbs.		
	1 girder 24,356 lbs.		
	1 girder 24,212 lbs.		
	1 girder 24,198 lbs.		
	1 girder 24,297 lbs.		
	1 girder 24,302 lbs.		
	145,612 lbs. at 6 1/4	9,756 00	
	Cartage	36 50	
	104 3-4in. bolts, 325 lbs., at		
	5 3-4 cts	18 69	
Dec. 19, 181.	21 separators, 2,135 lbs at 4 1-8c.	88 07	
	3 kegs rivets, 300 lbs. at 6 7-10c	20 10	
	15 separators, 1,530 lbs. at 4		
	1-8 cts.....	63 11	
1875.			10,543
Jan. 25, 191.	2 kegs 3 by 3-4 inch rivets,		
	200 lbs. at 6 7-10 cts.....	\$13 40	
	16 lbs. 4 by 3-4 inch rivets, at		
	6 7-10 cts.....	1 07	
Jan. 29, 193.	4 cast iron separators, 410 lbs.		
	at 4 1-8 cts.....	16 91	
			31
Feb. 2, 196.	4 cast iron separators, 410 lbs.		
	at 4 1-8 cts.....	\$16 91	
			16
Oct. 6, 301.	6 beams, 5,508 lbs. at 6 1-2 cts.	\$358 02	
	Angle iron, 336 lbs. at 6 1-2 cts.	21 84	
	Rivets, 53 33-100, at 6 1-2 cts.	3 46	
			383
Oct. 12, 307.	Sept. 11, 1 man 6 hours, 6		
	Sept. 11, 3 men 5 hours, 15		
	Sept. 15, 14 men 10 1/2 h'rs, 147		
Carried forward.....		168	\$68,935

Brought forward.....	168	\$68,935 27
Oct. 12, 307. Sept. 16, 5 men 10 hours, 50		
Sept. 18, 4 men 5 hours, 20		
Sept. 20, 2 men 3 hours, 6		
Sept. 22, 3 men 2 hours, 6		
Oct. 4, 5 men 7 hours, 35		
Oct. 5, 2 men 10 hours, 20		
Oct. 6, 5 men 7½ hours, 37½		
Oct. 7, 7 men 2½ hours, 17½		
Oct. 11, 4 men 4½ hours, 18		

378

37 days, 8 hours, at \$3.50	\$132 30
Sept. 11. 308. Luke Messier, 37 hours.	
Sept. 16. Luke Messier, 10 hours.	
Sept. 20. Luke Messier, 3 hours.	
Oct. 4. Luke Messier, 5 hours.	
Oct. 6. Luke Messier, 7½ hours.	
Oct. 7. Luke Messier, 2½ hours.	

65 hours.

6 days, 5 hours at \$4.25	27 62
Sept. 15. Bl'smith & helper 10 h.	
Oct 1. Bl'smith & helper 5½ h.	

15½ h., 90c.

Man and team 11 hours,	13 95
	5 00

178 87

Sept. 28, 286. 1 2d-hand anvil 129 lbs. at 6½c.	\$8 38
Cartage, ...	75

9 13

1874.

Day-book No. 2.

Nov. 19. Cutting off 5 girders, 5 men, 66 hours each, 330 hours, at 40 cts.....	132 00
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1876.

Day-book No. 2.

Feb. 10. 1 anvil, 190 lbs. at 6½ cts.	12 35
--	-------

\$69,267 62

1874.

CR.

Oct. 2. By cash	\$12,000 00
Oct. 16. By cash	10,000 00
Nov. 4. By cash	21,000 00

1875.

Jan. 13. By cash	10,000 00
Jan. 14. By cash	6,000 00
Nov. 23. By cash	961 82
Mar. 9. By cash	959 62

60,921 44

Carried forward.....	\$8,346 18
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Brought forward.....		\$8,346 18
1875.		
Sept. 30, 288.	4 bms. 15in. 17ft. 6in } 1 bm. 15in. 20ft. 1in }	4,504 lbs., at 6 1-2 c. 292 76
		\$8,638 94
Oct. 30.	By cash.....	292 76
		\$8,346 18
Oct.	1. Blacksmith, 5½ hours, at 90 cts	\$4 95
Oct.	1. 2 helpers, 5½ h. each, 11 h., at 50 cts.....	5 50
Oct.	2. 2 men, 1 day each, at \$5.00.....	10 00
1876.		
Jan. 28.	Fitting and placing beams, 5 men, 65½ hours each, 327½ hours, at 40 cts.....	131 00
		\$8,497 63
CR.		
By cash.....	\$20 45	
By cash	131 00	
		151 45
		\$8,346 18

RECAPITULATION.

		DR.
Total amount as per bill to Feb. 10, 1876..		\$69,267 62
Additional items as per statement.....	\$4 95	
Additional items as per statement.....	5 50	
Additional items as per statement.....	10 00	
Additional items as per statement.....	131 00	
Additional items as per statement.....	292 76	
		444 21
		\$69,711 83
CR.		
Cash paid.....	\$60,921 44	
Additional items.....	292 76	
Additional items.....	20 45	
Additional items.....	131 00	
		61,365 65
		\$8,346 18

STATE OF NEW YORK, }
Albany County, } ss.:

Timothy J. Sullivan, being duly sworn, deposes and says, that the foregoing statement of account is a correct transcript taken from the

books kept by this deponent; that the same is true of his own knowledge, except the matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true.

T. J. SULLIVAN.

Sworn and subscribed before me, on }
this 18th day of March, 1880. }

WILLIS E. MERRIMAN, *Notary Public, Albany County.*

STATE BOARD OF AUDIT,
OFFICE OF THE SECRETARY OF STATE, }
ALBANY, *February 11, 1880.*

In the Matter of the claim of Timothy J. }
Sullivan }
agst. }
The State of New York. }

Wm. B. Ruggles, First Deputy Attorney-General, Counsel for the State; Charles Hughes, Counsel for the Claimant.

TESTIMONY.

Thomas Fuller, having been duly sworn, testified as follows:

I reside at Glens Falls, N. Y. In 1874 was the architect for the New Capitol; I have heard the contract.

Q. Mr. Sullivan furnished the iron work that was to be furnished under that contract? A. Yes, sir.

Q. You had nothing to do with the payments? A. No, sir.

Q. You was supervising the work as architect? A. Yes, sir; Mr. Eaton was superintendent and had charge of the work.

Q. Do you remember in reference to these riveted and box girders? A. Yes, sir.

Q. In getting at the weight of these irons for the purpose of ascertaining what he was entitled to, how do you get at it, by actual weight, or measure process? A. It was according to the usual allowance per foot, allowed for the weight of iron; I estimated it in that way.

Q. You estimated that the iron at certain sizes would weigh a certain number of pounds? A. Yes, sir; I made no actual weights; that was the amount I returned to Eaton to pay Sullivan for.

Q. State any directions you gave to Sullivan in reference to these irons? A. I told him they must be fully up to the schedule in every respect, and in going over the strains, if I found it necessary, to increase them to a greater extent.

Q. Do you know that these particular class of irons, the riveted plate and box girders, drilled and plain, exceed, in size, the schedule size to some extent; that they were heavier? A. I understand that they were heavier.

Q. And that it was noticed and spoken of at the time? A. It was, in general conversation, I didn't know to the extent of it until afterward. Mr. Sullivan performed the contract so far as I know.

Cross-examination :

Q. Were there specifications designating the weight of the rivet plate and box girders? A. Not the weight, but there was sizes given. The specifications simply regulate the size; nothing about weight.

Q. I understand you to say that you told Sullivan that the size weight should be fully up to the schedule? A. I told him the size of the iron of the girder should be fully up to the size specified in the schedule.

Q. You mean the schedule attached to the contract? A. Yes, (The witness produced the schedule.)

Q. State again what it was you said to Sullivan in regard to increase of the weight of these girders? A. I specified for inch iron and Sullivan told me the usual way was to not weigh it. I didn't have the full sectional area. I told him it must be the full size. Mr. Sullivan told me what is ordinarily called half inch is not half inch; that in every case I must have it according to the schedule.

Q. Did you intend to leave to him the discretion of increasing weight? A. Yes, sir; to that extent, to make it up to the full schedule.

Q. If I understand you, the schedule specifies the thickness precisely, and Mr. Sullivan stated that ordinarily the iron was not quite full size? A. Yes, sir.

Q. You stated to him that it must be clear up to the schedule estimate? Yes, sir; and then I further stated in going over the calculations of the weight of the beams, if necessary, he might increase it. In calculating the strain, if he thought it required the additional strength, to give it.

Q. Was that any part of his business to make the calculations of strain? A. Yes, sir; it was in part. I looked upon Mr. Sullivan as a very experienced man.

Q. Wasn't that the duty of the architect? A. I had done so, but we are subject to error sometimes in making calculations.

Q. You mean to be understood that you turned over that part of your duties to Mr. Sullivan, and if it was necessary, in his opinion after making the calculations in regard to the strain, that he might increase the weight as much as he thought necessary? A. Yes, sir, to increase it to a certain extent.

By the COMPTROLLER :

Q. What was there to enable him to judge what was necessary? A. We had the number of pounds each girder would have to be built to support. I had gone over the calculations previous to the execution of this contract.

By the COUNSEL for the State:

Q. Did you give Mr. Sullivan specific directions as to increase the dimensions of that iron, or how much he should increase it at that time? A. No, sir.

Q. Did he ever report to you that he had gone over the strain and made calculations, and it would require an increase—any specific amount? A. No, sir; he merely told me that some portions were heavier.

Geo. F. Durand, a witness for the claimant, having been duly sworn testified :

I was assistant of the architect of the New Capitol, in 1874 ; I am now living in London, Canada.

Q. Are you familiar with the Sullivan contract referred to here ?
A. Yes, sir.

Q. You know he furnished the iron ? A. Yes, sir.

Q. Do you know any thing in reference to these particular irons ? State to the Board what the fact is as regards there being any appreciable difference in sizes ? A. The schedule in the rule calls for beams of a certain height, width and thickness ; the built girders of the length and thickness of the irons in the different portions of the construction were specified exactly, but not in weight ; riveted plate box girders are used to support the ceiling where they stand from wall to wall ; they are made up of rolled plates which are drilled and put together.

Q. You say that the sizes of these were given to Sullivan ? A. Yes, sir ; given to all the contractors, in the specifications asking for bids ; Mr. Sullivan reported to Mr. Eaton that the half-inch as furnished did not reach half-inch fully in section ; the size of all these girders is calculated by the weight they have to support, and they were figured up to carry a certain amount of weight according as it was placed in the building ; Mr. Fuller told Mr. Sullivan in the office to make the sections as they were described, that is, to give the sectional area full half-inch as they were described in the specifications.

Q. When the amount of iron in pounds was furnished Mr. Eaton, was it done by actual weighing, or was it estimated to weigh so much ?

A. I made the estimate of the weight given to Eaton for guidance in payment, and they were taken from Troutwine's Hand-Book of Engineering ; Troutwine is considered number one authority.

Q. That was figuring the length, thickness and height of the iron to say how much it would weigh ? A. It is figured according to the specifications taken, at weights given by Troutwine for iron of that thickness and style.

Q. Those were the figures furnished to Eaton to pay ? A. Yes, sir.

Q. Did you ever make any experiment to ascertain whether the furnished iron was not heavier than Troutwine made it ? A. During the building, Mr. Sullivan made the claim that it was heavier ; Mr. Fuller told me to go and weigh a plate of iron and see if it was not heavier ; I took up a plate and weighed it on the scale and found it was about one pound and four-tenths heavier to the square foot than Troutwine gave it ; a foot square and half-inch is given twenty pounds to the square ; it amounted to 21 45-100 pounds by weight, and the thickness of the plate didn't look to be any more than what you might call a plump half inch ; one foot and an inch thick weighs twenty pounds to the square foot, and to make a pound weight it would not require more than 40-100 of an inch.

By Mr. RUGGLES :

Q. The plate you weighed came up to a plump half inch ? A. Yes, sir.

By Mr. HUGHES :

Q. In the manufacture of iron, is not different weights produce the same sizes; whether in rolling it is not made to weigh heavy?
A. I can see why there might be a difference, but I do not know fact.

Q. Mr. Sullivan was claiming all through the contract that the mate of Troutwine would not give him the weight? A. Yes, sir.

Q. Do you know any thing about the request that these should be raised in weight? A. Mr. Sullivan asked Eaton, in corridor, if he would weigh the plate girders.

Q. Any thing more than that said about it? A. Mr. Eaton nothing.

By the SECRETARY OF STATE :

Q. Did you ever weigh but that one piece? A. I weighed at time two or three different pieces.

Q. Did you weigh any of the girders? A. No, sir.

Q. Nothing but the plate you weighed? A. Yes, sir.

Cross-examination :

Q. Was this half-inch plate a part or section of these girders? It was in the room where they were building at the time; it represented to me to be a portion or part of the girder they were going to build.

Q. Do you know whether it was or not, of your own knowledge?
A. No, sir.

Re-direct :

Q. Have you computed the weight of these girders by Sullivan's account? A. He asked me this morning to look over the account and I added up what he charged the State; according to the calculated weight by Troutwine it amounted to 404,808 pounds; Mr. Sullivan's bill says there is 528,217 pounds, making a difference of 123,409 pounds.

Q. If Mr. Sullivan is correct that is the difference between the estimated weight and the actual weight? A. Yes, sir; that is the difference as between Troutwine and the estimate as appears in Sullivan's bill.

Adjourned to meet on the 18th inst. at 10 o'clock A. M.

OFFICE OF SECRETARY OF STATE,
ALBANY, February 18, 1880.

Board met pursuant to adjournment and proceedings resumed.

Timothy J. Sullivan, claimant, having been duly sworn, testified that he resides in Albany; I carry on the iron business; I am the claimant in this case; I am skilled in mechanical and civil engineering.

Q. You had a contract with Mr. Eaton in behalf of the State to furnish certain irons for the New Capitol in 1874? A. Yes, sir.

Q. Is this a copy, attached to the claim of that contract? A. Yes, sir; it was delivered to me, for that, by the clerk.

Q. Did you perform that contract? A. Yes, sir; I did.

Q. In doing the work under that contract was a portion of the iron — that is the riveted plate and box girders; drilled and plain — without any specified weight? A. Yes, sir.

Q. And only sized? A. That is all.

Q. State what, if any, drawings you had from the architect, Mr. Fuller, with reference to these box girders? A. Mr. Fuller told me to go over the strains and figure them. The strain is understood to be a sufficient amount of iron to overcome the lateral declination; he had not before given me the figuring of the strains; he told me to put in an area of iron sufficient to carry the loads; the area would be the sectional area of the plate taking the cubical contents; the plate would have to be thicker to carry a certain load; it was supposed to be half inch; there was a dispute arose as to the spanning of the Assembly chamber, which was 75 feet; it was claimed that they could not put a girder in to carry the floor. Mr. Eaton wanted to know if I could make a plan of a girder that would carry it. I took the dimensions of the room and gave him a plan of girder under static load of 150 pounds per foot superficial measurement; it called for a three-eighth inch thickness; it would be three-eighths and one-thirty-second. I delivered the plan to Mr. Eaton, and the girder was constructed upon that plan. Mr. Fuller afterward had increased the load 175 pound per foot more, and estimated that about half an inch would carry it. I said to Mr. Fuller that he was doing a very dangerous thing; that it didn't follow that a half inch would carry 175 pounds, in excess of three-eighths at 150. The work was advertised and let; this was before the letting. Mr. Fuller increased the loads on every one of the floors, and directed me to go over these strains and put in an area to hold the loads with perfect safety; I found it was necessary to put in more plates.

Q. You went on in pursuance of this contract, and the directions of Mr. Fuller? A. I requested Mr. Fuller to specify in the contract these directions, and he told me, at the time, that it wasn't necessary; that it was by the pound, and I would be paid for it as they were weighed.

Q. The work you did for the Capitol under that contract became a matter of book account between you and Mr. Eaton? A. Yes, sir, there was an account open between myself and Mr. Eaton.

Q. Is this account which you filed a transcript from your books? A. Yes, sir.

Q. Contains all your debit and credit accounts? A. Yes, sir.

Q. The only irons that are in dispute are those box and plate girders? A. Yes, sir, there are thirty of them.

Q. Of those you bought the plates, and manufactured into these girders as directed? A. Yes, sir; they are all wrought iron; they are boiler plate iron; I don't believe any of them were less than five or six tons; they were made at my shop in Albany; they were made of Trenton plates; there was one girder that weighed 11,594 pounds.

Q. State whether you weighed these girders at your shop? A. Sir, weighed them all because we had to run them across the scale we put them on; these weights were put on our books at the time and this is a transcript of the actual weights; I was also instructed by Mr. Eaton, when the girders were being built, if there was anything that was under weight that they would throw it upon our hands; the girders are bought and sold at specific weight, to be so much per foot; this was a rolled beam that I now speak of; they are never weighed; they have nothing to do with this claim; it is customary to weigh rolled beams; there is no claim in regard to what I now speak of.

Q. Your claim here is simply upon the plate girders? A. Yes, sir.

Q. These are the actual weights you delivered at so much per pound six and seven-tenths cents? A. Yes, sir.

Q. You were the lowest bidder? A. Yes, sir; it was a very low price; the raw material cost us in Pennsylvania four and five-eighths cents.

Q. You didn't increase the weight of this because that was guaranteed to pay? A. No, sir, I would rather have them three-eighths of an inch than one-half, because they could be worked much cheaper; instead of \$7,490.92 as given by Durand, it should have been \$8,267.73 (business presents paper); all except the figures in the corner of the paper presented are Durand's figures.

Q. This also contains all the credits and moneys you received from Mr. Eaton? A. Yes, sir; the gross amount I received for this work was \$60,921.44, and my gross claim was \$69,242.42.

Q. You did some work upon the Capitol which enters into this claim which is independent of these irons? A. Yes, sir, it was kept in a separate account; I assisted in order to hurry along with the work.

Cross-examination :

Q. How long was this job progressing? A. I think about three months.

Q. Was this iron after having been weighed by you at your shop and delivered at the Capitol, ever weighed at the Capitol? A. I don't know as it was; I don't know whether they weighed it or not.

Q. How do you understand they got at the amount? A. I understood they figured it according to Troutwine tables based upon the dimensions of one-half inch thickness.

Q. The contract in this case specified one-half inch iron for the box and plate girders? A. I believe the original schedule said one-half inch.

Q. When these articles were actually delivered how did the actual thickness correspond with the specifications in the contract? A. They were thicker.

Q. How much thicker? A. I could not say just how much.

Q. I understand Mr. Durand to say that the directions were to make these articles fully up to the specifications in the contract; that it wouldn't be sufficient to deliver iron which fell a little short of the thickness specified? A. I understand that to be on the rolled beam.

Q. Wasn't that the instructions on the girders? A. No, sir, it was not; the instructions in regard to the plate girders was to

over the strains and put in sufficient iron, but the rolled beams, they said, should be up to the standard; good plump iron is generally rolled to exceed the half inch by about one-sixty-fourth.

Q. You are unable to state the thickness of the iron? A. Yes, sir.

Q. Would it be possible to take the actual measurements of these articles in their places? A. I don't think it is possible to get the actual measurements of them; they are in the floor of the Assembly chamber; they are bricked in. The transcript of account which I have was taken from my book some time ago; Mr. Eaton had a copy of it; it is contained in one day book and one ledger.

By the SECRETARY OF STATE:

Q. How often did you render invoices on this iron as you shipped it; did you render invoices with every shipment? A. I cannot say as to that; I know we were paid on account from time to time.

Q. When you sent up a lot of this iron, didn't you send a certificate of weights? A. No, sir, I don't think we did.

Q. Didn't you have any receipts at all from Mr. Eaton that that iron was delivered at the Capitol? A. No, sir; at the end of the week we made out invoices; Mr. Eaton was in charge, and Mr. Fuller was the architect.

By Mr. RUGGLES:

Q. How soon after this job was done did you have a final settlement? A. The contract said it should be three months; I think it was every three months; I settled with Mr. Eaton; I don't know why it wasn't settled for then.

Q. Did you make any claim for it? A. I did, yes, sir, and was refused pay from the Comptroller; I declined to receive money on account.

Q. Did you have a final settlement with Mr. Eaton? A. No, sir.

Q. Simply received sums to apply on account? A. Mr. Fuller only certified to an amount according to his figures, and Mr. Eaton was ready to pay the account on Fuller's certificate, and Fuller never gave it.

The counsel for the claimant introduced the original contract in evidence, and all the papers attached thereto as furnished by Mr. Eaton. (Annexed to claimant's petition.)

Q. Are you able to state what the amount would be of the excess in weight of these girders over the weight of girders that should be fully one-half inch? A. No, sir; not without figuring the weight as given in the tables, from the cubical contents of a foot; it is taken into minute decimals.

Q. Troutwine's tables are based upon the assumption that these girders are of full one-half inch in that part of the table you calculated from? A. No, sir; the tables are taken from the cubical contents of a foot.

Q. It is based upon actual dimensions? A. Yes, sir; it is taken from the density of different materials.

Q. At this time did you operate this shop alone, or was there a company? A. I operated it alone; I did not have a partner; Mr. Rice is now a partner of mine; he became a partner some years after.

By Mr. HUGHES :

Q. There were five girders which you delivered according to dimensions, and they were too long ? A. Yes, sir.

Q. They were the girders specified in the contract to be delivered ? A. Yes, sir.

Q. But they changed their plans so they were too long ? A. Yes, sir.

Q. They asked you, after they were made and delivered to cut them off ? A. Yes, sir.

Q. And you charged the time of your men in doing that business ? A. Yes, sir.

Q. And that makes the last two items of this bill \$132 ? A. Yes, sir.

Q. What was the anvil item ? A. That was an anvil sold to the capitol.

By Mr. RUGGLES :

Q. Who were the Capitol commissioners at the time of the contract ? A. Mr. Rice, Mr. Harris, and the third one I do not know ; about that time there was a change made in the commissioners, and also the architect.

James W. Eaton, a witness for the claimant, having been duly sworn, testified :

I am superintendent of the New Capitol, and was in 1874.

[The witness produced the original contract made with the claimant.]

Q. You produce this contract, as being the contract made between you and Sullivan for the irons ? A. Yes, sir.

Q. Have you any memorandum with you of the amounts of money paid Sullivan ? A. No, sir.

Q. Please state what the gross payment was ? A. The gross amount is \$61,365.68.

Q. State whether there are some items which you have not included in this bill ? A. I don't think it is included in that bill.

Q. Read the last two items you have ? A. "October, 1875, placing iron beams, \$178.87; October 30, 1875, extra iron beams furnished, \$383.32; February 29, 1876, placing iron beams in position, \$841.67."

Q. You was familiar with these riveted plate box girders ; so thirty of them ? A. I know they were used.

Q. On what basis did you pay Mr. Sullivan for these girders ; did you pay him on the estimate given to you by the architect, of what they would weigh ? A. Yes, sir.

Q. And to your knowledge, they never were weighed at the Capitol ? A. No, sir, they never were weighed in gross ; I cut off a piece of each one of them and weighed it myself.

Q. State the fact whether these girders weighed more than the estimated weights by Troutwine's scales ; whether they were heavier than as estimated by Troutwine ? A. As I remember now, they were a little heavier ; I cut the piece off in order to ascertain whether the iron was fully up to the measurement specified in the specification.

and then weighed it; so many inches of the iron weighed so much; and it was a little in excess of Troutwine; it was a little bit thicker than the half-inch specified in the contract; the schedule called for half-inch, and it was a little in excess of that.

Cross-examination:

Q. Have you any memorandum that will show the weight and dimensions of that section that you weighed? A. I don't know whether I could find it or not.

Q. Knowing the dimensions of the amount of iron furnished for these girders, could you make an estimate of the amount of excess, based upon the partial excess of that particular portion that you weighed? A. It would be a difficult matter to do that accurately.

Q. Was this iron rolled to a dead plane, or is it a little wavy, so as to be thicker in some parts than in others? A. Imperceptibly so—it is a little wavy. My object in cutting the piece off was to see whether it was full thickness or not. I didn't do it for the purpose of getting at the weight.

Q. Suppose you should find your memorandum of that partial weight; do you think an estimate could be made from that, that would approximate to the correct result upon the whole number of girders furnished? A. Approximate estimate could be made, but would not guarantee entire accuracy; it is a difficult matter.

Q. Would it be possible to get at the girders in the building? A. Five or six of them could be got at; yes, sir.

Q. Did you have any final settlement with Mr. Sullivan? A. I settled with him and paid him in accordance with the certificate from the architect.

Q. What paper did you take from him on that settlement? A. Receipts for the amounts paid him.

Q. Any thing further than bare receipts for the amount to apply on the account? A. That is all, and ultimately he was paid ten per cent. There were manufacturers' estimates made of the work done, and he was paid ninety per cent on the certificate of the architect.

Q. Is there any thing else that you think of that has not been asked you, that you desire to say in regard to the matter? A. No, sir; I don't think of any thing. I remember that Sullivan demurred to signing a final settlement, but I thought I was not authorized to pay him any more than what the formula laid down for the measurements of such work called for, in accordance with the specifications and certificate of the architect. I paid him and took his receipt to that effect.

Q. Did Sullivan ever claim that there was an excess above this final settlement? A. I don't know as I could possibly answer that, as to time after; I think possibly he did before.

By the SECRETARY OF STATE:

Q. How did you pay Sullivan—on invoices or statement made? A. On estimates made at the end of every month; making an estimate of the amount of work and materials for that month.

Q. He produced statements of the number of pounds furnished of iron to the Capitol? A. Not monthly; that was computed at the end

of the work, at the time the work was finished. The estimates made monthly what material he had furnished, and labor performed for that month, upon the certificate of the architect.

Q. This iron was to be furnished by actual weight? A. Yes, sir.

Q. Not by any estimate? A. The weight was actually computed.

Q. Did you ever hear the architect dispute Sullivan's weight? A. No, sir, I never did.

Q. Only he made an estimate from this table set down by Thomas wine? A. Yes, sir.

T. J. Sullivan recalled and further testified :

Q. When you produced your bill to the architect for his approval did he dispute your weight? A. No, sir.

Q. Did he approve of it? A. No, sir, he did not approve it; he paid my pay on the estimate made by Mr. Fuller and delivered to me by Eaton.

Q. Was there a difference between his estimate and your actual weight? A. Certainly there was; being paid monthly we didn't pay attention what the actual weights were.

Q. Upon what grounds did Mr. Eaton dispute your weight? A. He does not dispute it.

Q. You sold this iron to be delivered on actual weight? A. Yes, sir.

Q. And the number of pounds you rendered is in that statement? A. No, sir; I requested Mr. Durand as Mr. Fuller's assistant to weigh the iron when it was given out. Rolled and plate girders were estimated at so much a foot.

The counsel for the claimant submitted the question that interest should be allowed upon the amount of the claim from February 1st, 1876, the time when the State became liable, to the date of the decision of the Board granting the allowance.

The counsel for the State objected to any allowance of interest based upon the contingency of a decision in favor of granting this claim, upon the ground :

1st. That interest must be stipulated in the contract.

2d. That the State cannot pay interest without authority of law.

Case closed and submitted for decision.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, on Friday, March 12, 1880 :

PRESENT — Joseph B. Carr, Secretary of State ; James W. Wadsworth, Comptroller ; Nathan D. Wendell, Treasurer.

No. 165.

In the Matter of the claim of Timothy J.
Sullivan

agst.

The State of New York.

On motion it is ordered that the claim of Timothy J. Sullivan be allowed at the sum of eight thousand three hundred and forty-six dollars and eighteen cents (\$8,346.18).

No. 6.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, Wednesday, March 10, 1880 :

PRESENT — Joseph B. Carr, Secretary of State ; James W. Wadsworth, Comptroller ; Nathan D. Wendell, Treasurer — members of the Board.

No. 187.

In the Matter of the claim of Allan
Rutherford

agst.

The State of New York.

Claim for reimbursement for expenses incurred in uniforming and equipping Company F, Ninth Regiment, N. Y. S. M.; amount claimed, \$2,603.10.

CLAIMANT'S STATEMENT.

State of New York, to Allan Rutherford, Dr.

For reimbursement for expenses incurred by himself as Captain of "F" Company, Ninth N. Y. S. M., in uniforming and equipping said company for entry into the service of the United States in 1861, as per vouchers herewith submitted :

1861.

Bill Amos Clark, clothing.....	\$4 50
" Amos Clark, clothing.....	294 75
" Amos Clark, clothing....	363 64
" Amos Clark, clothing.....	291 75
" Amos Clark, clothing.....	47 00

Carried forward.. . . . \$1,001 64

Brought forward.....	\$1,001
Bill Amos Clark, clothing	35
“ Jno. A. Baker.....	40
“ James S. Smith.....	9
“ Amos Clark	9
Sundry items per memorandum book, as follows:	
April, 1861. Paid for printing, cartage, etc.....	21
“ sundries for company	11
“ letters “F”.....	
“ drummers.....	3
“ for cartage on musket slings.....	1
“ drummers	2
“ stencil plate, etc., to mark belts, etc..	2
“ drummers	3
“ musket roll, on account	10
“ knapsack shelf	10
“ sundries for company	2
“ musket roll, and painting same.....	18
“ meals for company.....	2
“ ferriage, to locate grounds for drill ..	
“ bill for rent, to Hasson, Mercer House,	15
“ ferriage to Hoboken for company....	4
“ drummers	2
“ meals for company.....	2
“ advertising	2
“ drummers	2
“ drummers	4
“ parchment for roll.....	1
“ blank books.....	1
“ bill for rent, to Hasson, Mercer House,	10
“ Archibald Johnson, on acc’t of uni-	
forms.....	620
	\$1,847

A true copy:

J. B. STONEHOUSE, *Ass. Adj.-Gen’l.*

To be deducted from the annexed bill the sum of one hundred and ninety-two dollars (\$192), which from memoranda appears to have been repaid to Allan Rutherford by various parties, the memoranda not showing from whom the several amounts were received.

(Signed)

ALLAN RUTHERFORD

A true copy:

J. B. STONEHOUSE, *Ass. Adj.-Gen’l.*

UNITED STATES OF AMERICA, } ss.:
District of Columbia,

Allan Rutherford, being duly sworn, deposes and says, that the foregoing account is correct and just; that he actually paid the money therein stated, for the purpose of uniforming, equipping, and getting Co. “F,” 9th Reg’t N. Y. S. M., into the service of the United States; that he was captain of said Company “F,” 9th Reg’t N. Y. S. M., and

the said company was mustered into the service of the United States on the 27th day of May, 1861, and consisted of one hundred and nine enlisted men ; that previous to the filling up of said company, for entry into the service of the United States, it numbered from thirty (30) to thirty-five (35) enlisted men, the balance being recruits ; that the expenditures set forth in the within were absolutely necessary in order to properly equip said recruits for entry into service, and were paid by this deponent ; that there were other additional bills incurred and paid by this deponent, for the same purpose, which he is unable fully to set forth at present, and therefore reserves until he can obtain duplicates of the same ; that the bill referred to was for military equipments purchased for the use of, and used by said company, and amounts to about seven hundred dollars (\$700) ; that the clothing and equipments herein referred to were actually taken into the service of the United States, and expended in said service by the men of said company, and that this deponent has never been reimbursed for the same, by either the State of New York or the United States ; that bills of this character are not paid in the first instance by the United States, but the rule has been that they should be paid by the State, which then seeks reimbursement from the General Government.

(Signed)

ALLAN RUTHERFORD.

Sworn and subscribed to before me, {
this 7th day of March, 1873. }

ZACK B. BROOKE,

Justice of the Peace for Washington County, District of Columbia.

A true copy :

J. B. STONEHOUSE, *Ass. Adj.-Gen'l.*

NEW YORK, November 18, 1861.

Capt. A. Rutherford, bought of Amos Clark :

One pants.....	\$4 50
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Rec'd Payment,

(Signed)

AMOS CLARK,

A true copy :

Per J. M. S.

J. B. STONEHOUSE, *Ass. Adj.-Gen'l.*

NEW YORK, Oct. 24, 1861.

Ninth Regiment N. Y. S. M. Company "F," bought of Amos Clark :

Sept. 25.	One jacket and pants,	Lufberry	\$9 50
Oct. 5.	do	Beach.....	5 50
5.	do pants,	Munson	4 00
5.	do do and jacket,	E. H. Clough....	9 50
8.	do jacket,	Browning	5 50
8.	do do	Willson	5 50
10.	bill rendered,	(Lt. Cameron)....	47 00
11.	One jacket (recruit),	Thompson.	5 50
14.	do do do	A. R. Penny.....	5 50
14.	do do do	A. R. Hatfield ...	5 50
24.	do do	A. Penny.....	5 50

Carried forward.....	\$109 00
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Brought forward.....			\$109
24.	One jacket,	Bamberger.....	5
24.	do do	Pencost.....	5
24.	do do	Johnson.....	5
24.	do do	Russell.....	5
24.	do do	N. A. Weeks....	5
24.	do do	Smith.....	5
24.	do do	Willson.....	5
24.	do do	Rockett.....	5
24.	do do	D. O. Pearson....	5
24.	do do	Millspaugh.....	5
24.	do jacket, cape,	Trittenback.....	5
24.	do do	J. H. Williams...	5
24.	do overcoat,	Lieut. Cameron ..	21
24.	do pants,	Prince.....	4
24.	do do	H. Withers.....	4
24.	do do	Johnson.....	4
24.	do do	Tallman.....	4
24.	do do	N. A. Weeks.....	4
24.	do do	A. Penny.....	4
24.	do do	D. Pearson.....	4
24.	do do	Russell.....	4
24.	do do	G. W. Bronde....	4
24.	do do	J. Simmons.....	4
24.	do do	Douglass.....	4
24.	do do	Brondage.....	4
24.	do do	J. Brown.....	4
24.	do do	J. Luffberry.....	4
24.	do do	Alden.....	4
24.	do do	E. W. King.....	4
24.	do do	Sergt. Hemmell..	4
24.	do do	M. Hodley.....	4
24.	do do	T. S. Barnes.....	4
24.	do do	Smith.....	4
24.	do do	O. Wright.....	4
24.	do do	H. Hunt.....	4
24.	do do and cape,	Crandell.....	4
24.	do do	Rockett.....	4
Expressage (box 200 lbs.).....			\$291
			3
			\$294

Oct. 28. By Cash on account of A. R. above..\$100 00.

(Signed)

A. CLARK,

Per J. M. S.

Nov. 6, 1861, received payment in full.

(Signed)

AMOS CLARK,

Per J. M. S.

A true copy:

J. B. STONEHOUSE, *Ass. Adj.-Gen'l.*

NEW YORK, *September 18*, 1861.

Capt. Allan Rutherford bought of Amos Clark :

One jacket,	Sgt. Hennell.....	\$5 88
do do and pants,	Mr. Rockett.....	9 25
do do	Wyatt.....	5 50
do do	Hernance.....	5 50
do do	Huntington.....	5 50
do do and pants,	A. Tallman.....	9 25
do do do	Scott.....	9 25
do do	Cassidy.....	5 50
do do	Crandall.....	5 50
do do	S. M. Hand.....	5 50
do do and pants,	Corp. Bigham.....	9 50
do do do	Mr. J. E. Hyatt.....	9 25
do do do	Steever.....	9 25
do do	Ferris.....	5 50
do do and pants,	Corp. Howard.....	9 50
do do	Mr. Hanna.....	5 50
do do	Hunt.....	5 50
do do and pants,	Acker.....	9 25
do do do	Archer.....	9 25
do do	Stower.....	5 50
do do	Prince.....	5 50
do do	Crossman.....	5 50
do do	Lincoln.....	5 50
do do and pants,	Kelly (or Rully).....	9 25
do do	Jas. Burtis.....	5 50
do do and pants,	G. Thompson.....	9 25
do do	Corp. Jacobs.....	5 75
do do	Mr. Munson.....	5 50
do do	Santubugh.....	5 50
do do	Douglas.....	5 50
do do	T. S. Barnes.....	5 50
do do	C. Lathrop.....	5 50
do do and pants,	Bissel.....	9 25
do do do	C. L. Barnes.....	9 25
do do	Sgt. Alden.....	5 88
do do	Mr. Pencost.....	5 50
do do and pants,	Van Namee.....	9 25
do do	Ryding.....	5 50
do do and pants,	Ackerman.....	9 25
do do	Corp. Steward.....	5 75
do do	Mr. Kimball.....	5 50
do do and pants,	Corp. Branmeger.....	9 50
do do do	Mr. Frazer.....	9 25
do do do	Corp. Withers.....	9 50
do do	Mr. Simmons.....	5 50
do pants,	H. Cushing.....	3 75

Carried forward \$321 01
 [Assem. Doc. No. 8] 8

Brought*forward.....			\$321 01
One jacket;	Recruits,	O. White	5 50
do do		S. Berry	5 50
do do		J. B. Davis	5 50
do do		M. A. Sheppard	5 50
do do		J. H. Dougherty	5 50
do do		G. Maxwell	5 50
			\$354 01
One jacket and pants, per Sgt. Green			9 63
			\$363 64

Received Payment,

(Signed)

AMOS CLARK,

October 5, 1861.

Per J. M. S.

A true copy:

J. B. STONEHOUSE, *Asst. Adj.-Gen'l.*

NEW YORK, October 10, 1861.

Capt. A. Rutherford bought of Amos Clark:

One jacket and one pants	Spaulding, paid.....	\$9 50
do do	Cassidy, paid.....	9 50
One pants	Ferris.....	4 00
do	Cosman.....	4 00
do	Frittenback.....	4 00
do	Grovers.....	4 00
do	Ackher.....	4 00
do	J. W. Stewart.....	4 00
do	Storm, paid.....	4 00
do	J. Albion.....	4 00
		\$47 00

A true copy:

J. B. STONEHOUSE, *Ass. Adj't-Gen'l.*

NEW YORK, October 10, 1861.

Capt. A. Rutherford bought of Amos Clark:

One jacket	G. Fisher.....	\$5 50
do	J. W. Blackney.....	5 50
do	W. Pinkham.....	5 50
do	C. Lippitt.....	5 50
do	R. Crankshaw.....	5 50
do	G. Brasch.....	5 50
do	C. Vredenburgh	5 50
Carried forward.....		\$38 50

Brought forward.....	\$38 50
One jacket Fligm.....	5 50
do W. Wilson.....	5 50

(Delivered to Lt. Wickham)	\$49 50
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Less one jacket Thompson.....	\$5 50
do do Bennings.....	5 50
do do Received November 12.....	5 50
	<u>16 50</u>
	<u>\$33 00</u>

Received Payment,
(Signed) AMOS CLARK,
Per J. M. S.

A true copy:
J. B. STONEHOUSE, *Ass. Adj't-Gen'l.*

NEW YORK, *October* 10, 1861.

Sec. Strong, Co. F., 9th Reg. N. Y. S. M., bought of John A. Baker:

Eight Fatigue caps and covers at \$2.....	\$16 00
Twelve do do do with caps, at \$2.25....	27 00
	<u>\$43 00</u>
Sergeant paid Capt. R....	2 25
	<u>\$40 75</u>

Received Payment,
(Signed) JOHN A. BAKER,
Per M. H. S.

A true copy:
J. B. STONEHOUSE, *Ass. Adj't-Gen'l.*

NEW YORK, *February* 17, 1862.

Maj. Rutherford, to James S. Smith, Dr.

One pair fine straps to order.....	\$9 00
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Received Payment,
(Signed) J. S. SMITH,
Per M. E. S.

A true copy:
J. B. STONEHOUSE, *Ass. Adj.-Gen'l.*

NEW YORK, *September 24, 186*

Capt. A. Rutherford bought of Amos Clark :

July 4. One pants.....	\$
" 19. One jacket, vest and shoulder straps.....	1
	\$2

(Signed) Received Payment, (by draft)
AMOS CLARK,
Per J. B.

Aug. 18. One jacket.....	\$
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A true copy :

J. B. STONEHOUSE, *Ass. Adj.-Gen'l.*

ADJUTANT-GENERAL'S OFFICE,
ALBANY, *February 20, 1875.*

The original papers, of which the foregoing are copies, were presented by me to the committee of ways and means during the session of 1873. After the adjournment, desiring to withdraw them for presentation at a future time, a search was made through the papers of the committee in the Senate and Assembly and in the Comptroller's office but they could not be found.

J. B. STONEHOUSE,
Assistant Adjutant-General

STATEMENT.

Amount of statement.....	\$1,84
Items of sub. vou. 9, not included in footing of statement.....	2
	\$1,87
Deduct amount reimbursed as shown by General Rutherford's statement.....	19
	\$1,68
Add amount expended for equipments as shown by Allan Rutherford's affidavit and bill annexed.....	\$722 50
Add bill paid by him for room rent hereto annexed.....	200 00
	92
Total amount of claim.....	\$2,60

NEW YORK, *May 6, 1861.**Co. F, Ninth Regiment, to James S. Smith & Co., Dr.*

85 cartridge boxes, at \$1.50.....	\$127 50
85 bayonet sheaths and frogs, 75 cts.....	63 75
85 body belts, enameled leather, 60 cts	51 00
85 body belt plates, 50 cts.....	42 50
85 knapsacks, \$4.00.....	340 00
35 fatigue caps and covers, \$2.00.....	70 00

Extra.

15 bayonet sheaths, 75 cts.....	\$11 25
15 body belts, 60 cts.....	9 00
15 body belt plates, 50 cts.	7 50
	27 75

\$722 50

ADJUTANT GENERAL'S OFFICE, }
 ALBANY, *February 24, 1875.* }

A true copy:

J. B. STONEHOUSE, *Ass. Adj.-Gen'l.*NEW YORK, *July 14, 1863.**Ninth Regiment, N. Y. S. M., to James Haddon, Dr.*

MERCER HOUSE, corner Broome and Mercer Streets.

Use of rooms.....	\$200 00
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Received from Lieut. Col. Rutherford the above.

(Signed)

J. HADDON.

A true copy:

J. B. STONEHOUSE, *Ass. Adj.-Gen'l.*

STATE BOARD OF AUDIT,
 OFFICE OF THE SECRETARY OF STATE, }
 ALBANY, *March 10, 1880.* }

In the Matter of the Claim of Allan
 Rutherford

agst.

The State of New York.

Wm. B. Ruggles, First Deputy Attorney-General, Counsel for the
 State; Allan Rutherford, Claimant in person.

TESTIMONY.

Allan Rutherford, having been duly sworn in his own behalf, testi-
 fied as follows:

I was the original captain of company "F," ninth regiment, subse-
 quently known as the 83d regiment, N. Y. volunteers, and as such

disbursed the amounts claimed in this bill for keeping and bringing into the service that company; I was not reimbursed these moneys from any source whatever; I went into the service of the United States and was colonel of the 22d; I remained in the service until 1870, and was then appointed third auditor of the United States treasury; that was the reason that I never presented any claim until 1872 or 1873, Gen. Stonehouse and Gen. Townsend were settling claims of the State of New York then coming before my office, and I mentioned the fact of my having disbursed these moneys; they suggested that I get up a bill and present it to the Legislature; in accordance with that suggestion I handed all the bills to Gen. Townsend who presented the matter to the Legislature; before doing so he had certain copies of the necessary papers made; this claim is now before the Board upon the certified copies; I have now, here, some additional bills and memoranda made at the time, giving the uniforms, names of the men and what uniforms were furnished; in some cases I paid—a man would want to enlist and I would ask him what portion he wanted to pay; sometimes he would pay for a portion and I would pay the balance; the uniforms were purchased in New York and were paid for by me; I wrote to some of the parties; I wrote to Baker who made the equipments, and whose bill amounted to 600 dollars, for a statement, and he wrote to me that so many years had elapsed that he could not tell how much it was; I have recently found a bill; I paid that bill of James S. Smith & Co.; every one of the claims that are inclosed in this envelope I paid; I disbursed more than that is contained in my presentment; it was one of the regiments volunteered; I was at that time captain of company “I” we were mustered into the service of the United States on the 27th of May, 1861; we swore in for the term of the war as one of the regiments.

By Mr. RUGGLES :

Q. Was there any action taken by the Legislature about the time to pay for disbursements of that kind; these disbursements were all made before this company were mustered into United States service? A. Yes, sir, and there were some bills passed afterwards; the expense was incurred in equipping the company during the war.

Q. What provisions were made by the Legislature for paying such expenses? A. I could not tell; I wasn't thinking of being reimbursed, and was not thinking of that. I was continually in the service and never thought to get the money back.

J. B. Stonehouse, sworn in behalf of claimant, testified :

Q. What do you know in reference to this account? A. I know what is stated in the schedule or statement attached to the claim. So far as the lost papers are concerned, these are copies of the originals which I presented to the committee of ways and means in the year 1873.

Q. Why wasn't there an appropriation made at that time? A. I could not tell you. There were no reasons assigned.

Q. You have been in the Adjutant-General's office for how long? A. Since 1861, and am there still.

Q. What has been the course in the Adjutant-General's office in regard to bills of that kind, that is, for expenses necessarily incurred in keeping and maintaining men previous to the time they were mustered into the United States service? A. Under the three million law of 1861, the State, in a great many instances, furnished the equipments themselves.

Q. What was the three million act? A. Appropriating three millions of dollars for the organization and equipment of the men called for.

Q. Was that the time of the military board of audit? A. That was subsequent, in 1863. The three million appropriation was exhausted.

Q. You have been in Washington in relation to claims of the State against the United States Government? A. Yes, sir; there was quite a number of claims of this character; that is, for claims before mustering into the United States service.

Q. These claims that you represented were claims that had been paid by the State? A. Yes, sir.

Q. What was the practice in the Department at Washington in regard to such claims due to the State? A. Almost universally paid; there was an act of Congress which regulated that.

Q. Was there not claims paid under the ruling of the third auditor? A. Yes, sir, some of them were.

Q. Are these bills presented all proper charges in your opinion? A. Yes, sir.

Q. You are of opinion that if the State pays these claims, they are of that class that the United States Government will reimburse the State for? A. Yes, sir, I think so.

Q. This presentation to the United States would be made through the Adjutant-General's office of the State of New York? A. Yes, sir.

By the SECRETARY OF STATE:

Q. You have no doubt at all in your own mind as to the State being reimbursed for that amount? A. No, sir; I know that claims of similar nature have been reimbursed. The claims are presented on a certificate of the Governor and Comptroller that the State has paid the amount; \$61,000 was passed last year which was appropriated. The year before I got \$82,000 which was paid.

The claimant presented and put in evidence vouchers for amounts which were disbursed by him as alleged, marked exhibit "A," March 10, 1880.

EXHIBIT "A."

Vouchers.

Clothing furnished by Archibald and D. B. Johnston:

No. 1.	R. A. Soderbury,	jacket, pants and overcoat.....	\$25 00
" 2.	Wm. L. Simers,	do do	25 00
" 3.	Charles S. Strong,	do do	25 00
" 4.	T. D. Simers,	do do	25 00
" 5.	William Scott,	do do	25 00
" 6.	John Rocket,	do do	25 00
" 7.	H. E. Bumeyer,	do do	25 00

No. 8.	W. L. Weeks,	jacket,	pants and overcoat	.....	\$25
" 9.	J. G. Haviland,	do	do	.....	25
" 10.	S. M. Crandall,	do	do	.....	25
" 11.	J. Jacobs,	do	do	.....	25
" 12.	A. L. Fink,	do	do	.....	25
" 13.	R. L. Coe,	do	do	.....	18
" 14.	Wm. Jewett,	do	do	.....	18
" 15.	A. R. Stover,		do	.....	13
" 16.	Jno. Brigham,		do	.....	13
" 17.	Jos. Seich,	do	do	.....	25
" 18.	O. W. Greaves,	do	do	.....	25
" 19.	B. F. Kelly,		do	.....	13
" 20.	Chas. Nesbitt,	do	do	.....	19
" 21.	E. H. Clough,	do	do	.....	19
" 22.	J. R. Haliday,	do	do	.....	25
" 23.	H. G. Whitnall,	do	do	.....	25
" 24.	W. J. Elmore,	do	do	.....	25
" 25.	C. L. Nicholson,	do	do	.....	12
" 26.	Thos. Ryding,	do	do	.....	25
" 27.	J. T. Lee,	do	do	.....	25
" 28.	D. Trittenback,	do	do	.....	19
" 29.	W. J. Barnes,	do	do	.....	25
" 30.	Chas Archer,		do	.....	13
No order.	Ed. Green,	do	do	.....	13
"	Wm. R. Washburn,	do	do	.....	25
"	W. Van Name,	do	do	.....	26
"	J. Sherwood,	do	do	.....	25
"	E. J. Knight,	do	do	.....	25
"	J. S. Bonnell,	do	do	.....	13
"	Rich. Truex, (drum corps)		do	.....	12
"	T. W. Kemble,	do	do	.....	26
"	Jno. Browning,	do	do	.....	27
No. 34.	John Haggerty,	do	do	.....	19
	Eugene Bissell,	do	do	.....	26
" 39.	J. S. Bonnell,		do	.....	13
" 38.	S. S. Lunnions,	do	do	.....	25
" 40.	W. T. Smith,	do	do	.....	25
" 42.	L. M. Whitney,	do	do	.....	25
" 43.	Jas. Davison,	do	do	.....	25
" 44.	John Burns,		do	.....	13
No number.	Fred. Alden,		do	Sargent..	15
"	I. Brown,	do	do	do ..	27
No. 45.	W. L. Hunt,	do	do	.....	25
" 46.	J. H. Williams,	do	do	.....	25
" 33.	H. L. Coe,	do	do	.....	25
" 47.	C. S. Spaulding,	do	do	.....	25
" 48.	Chas. Ross,		do	.....	13
No number.	S. Keeler,	do	do	.....	25
"	T. B. Green,	do	do	.....	25
No. 52.	W. A. Atwill, Jr.,	do	do	.....	25
" 53.	F. McNally,	do	do	.....	25
" 54.	F. A. Pease,	do	do	.....	25

No. 55. H. C. Frazier, jacket pants and overcoat.....	\$27 00
" 56. Stephen Lounsbury, do do	25 00
" 57. T. L. Hanna, do do	25 00
" 58. W. H. Cosmers, do do	25 00
" 59. C. M. Reynolds, do do	25 00
" 60. E. H. Becker, do do	25 00
" 62. E. Alphonse, do do	25 00
No number. John Benner, do do	27 00
" G. W. Pancost, do do	27 00
" M. Cassiday, do do	27 00
" Wash VonZandt, do do	27 00
" Wm. Prince, do do	27 00
" M. Douglass, do	13 50
" C. D. Weeks, do	13 50

We hereby certify the above a correct list of orders for clothing for Co. "F," Ninth Regiment, N. Y. S. M., Capt. Allan Rutherford, made in months of April and May, 1861, by us.

ARCH. JOHNSTON,
D. B. JOHNSTON.

NEW YORK, May 6, 1861.

Co. F., 9th Reg't, To Jas. S. Smith & Co., Dr.

Eighty-five cart. boxes at \$1 50.....	\$127 50
do bay't sh's & tr'gs " 6 00.....	63 75
do body belts enam- eled leather " 60.....	51 00
do body plates " 50.....	42 50
do knapsacks " 4 00.....	340 00
Thirty-five fatigue caps and covers " 2 00.....	70 00
	<u>\$694 75</u>

Indorsed on back, extra: 15 bay't sheaths; 15 body belts; 15 body belt plates.

Mem. paid A. R.

Payments made on account of Uniforms ordered September 25th, 1861.

Corp'l Withers, pants not paid.....	....
do E. W. King (Co. E.), J. & P.....	\$9 50
do Kratchett (Co. A.), J. & P., not paid.....	....
do Spaulding.....	9 50
do D. O. Pearson (Co. A).....	9 50
do Jacobs.....	5 50
do Storer	4 00
do Cassidy.....	9 50

NEW YORK, February 17, 18

Major Allan Rutherford bought of Amos Clark, No's 398, 400 &
Bowery:

One uniform coat..... \$

Received Payment,

AMOS CLARK,

Per J. V.

NEW YORK, July 14, 18

*Ninth Regt., N. Y. S. M., to James Haddon, Dr., Mercer House
ner Broome and Mercer Sts.:*

Use of rooms..... \$

Received from Lieut.-Col. Rutherford the above.

J. HADDON

Testimony closed and case submitted for decision.

At a meeting of the State Board of Audit, held at the office of
Secretary of State, Friday, March 12, 1880 :

PRESENT—Joseph B. Carr, Secretary of State; James W. V.
Worth, Comptroller; Nathan D. Wendell, Treasurer.

In the Matter of the claim of Allan
Rutherford

agst.

The State of New York.

Allan Rutherford and J. B. Stonehouse, for the Claimant ; and
First Deputy Attorney-General, for the State, having been heard

On motion it is ordered that the claim of Allan Rutherford
allowed at the sum of two-thousand six hundred and three do
and ten cents (\$2,603.10).

No. 7.

At a meeting of the State Board of Audit, held at the office of the Secretary of State on Wednesday, March 10, 1880:

PRESENT — Joseph B. Carr, Secretary of State; James W. Wadsworth, Comptroller; Nathan D. Wendell, Treasurer—members of the Board.

No. 161.

In the Matter of the claim of Perry
& Co.
agst.
The State of New York.

Claim for damages committed by an insane convict at Sing Sing Prison; amount claimed, \$358.71.

CLAIMANT'S STATEMENT.

The State of New York, to Perry & Co., Dr.

For repairs of damages committed by an insane convict at Sing Sing Prison, July 16, 1878:

Repairing 90 Argands No. 16, at 50 cents each	\$45 00
Repairing 3 Models No. 5, at 55 cents each	1 65
Repairing 2 Royal Cook J. C. No. 8, at 65 cents each.....	1 30
Repairing 2 Clarendons, at 55 cents each.....	1 10
Repairing 10 Lyndons, at 68 cents each.....	6 80
Repairing 8 Clinton Cottage, at 50 cents each.....	4 00
2,678 lbs. castings to repair stoves, at 5 cents each.....	133 90
1 galvanic battery (new).....	60 00
1 do do (old).....	26 50
1x9 foot lathe repaired.....	10 00
1x6 do do	7 00
1x16 inch pulley	4 00
1x10 do face plate.....	5 00
1x6 gal. stone jar.....	50
24 feet 2-inch rope.. ..	6 48
Nickel-plated work.....	3 00
3 days' labor repairing pattern Windsor Top.....	1 50
4 do do do Royal Cook Top.....	2 00
1 do do do oven slide.....	50
2½ do do do upper bottom.....	1 25
2 do do do top oven plate.....	1 00
1½ do do do back oven plate.....	75
½ do do do do flue strip.....	25
2½ do do do oven door	1 25
1 do do do do hearth plate.....	50
1 do do do front.....	50
2 do do do Alpine top.....	1 00

Carried forward \$326 73

Brought forward.....	\$320
1 new pattern Windsor oven door.....	3
1 do do Orion side.....	3
5 do do do legs.....	3
1 do do Alpine side.....	3
4 do Clarendon rails.....	3
1 do pattern Irving fire-pot section.....	3
1 do do do middle ring.....	3
3 do do covers.....	6

\$355

Cr.

By 2,678 lbs. scrap iron, at $\frac{1}{2}$ cent a pound..... 13

\$346

1 horse purchased from the Warden and taken from us by
process of law under a claim that the State had no title. 75
6 months' interest..... 14

\$436

Deduct for horse and 6 months' interest..... 77
Another horse having been substituted for the one taken.

\$358

STATE OF NEW YORK, }
City and County of Albany. } ss.:

Andrew Dickey, of Sing Sing, N. Y., a member of the firm of Perry & Co., of Albany, being duly sworn, deposes and says:

That on or about the 16th day of July last, a convict employed by the said Perry & Co., in the State prison at Sing Sing, was taken suddenly insane, to appearance, and armed with a sledge he destroyed the property belonging to the said Perry & Co., as set forth herein, within the space of a few moments and before he could be restrained by his keeper.

That since the said date, a copy of the within bill of said damages has been presented to Mr. Charles Davis, warden of said prison, in respects the same as the within, except that the castings were charged by mistake at four and a quarter cents, instead of five cents per pound, the former price being less than the cost of production, and except that the scrap iron was credited at one cent per pound instead of $\frac{1}{2}$ a cent, the latter being, at the date thereof, the market price; and with the further exception, that no interest was charged on said bill. That the said warden replied, in substance, that he had no authority to pay the same.

This deponent further says that he purchased for said firm horses and some harness from the said warden, and paid him for the same the sum of \$130. That the said horses were at the time in poor condition and apparently of but little value. That one of

horses, after he had been brought up to a good condition and found to be valuable, was taken from the said Perry & Co., by process of law, on the ground that he belonged to some other party, and that for the past six months or more the said firm have lost the use of him.

That said horse, in the opinion of this deponent, was worth fully one hundred and fifty dollars.

That the within bill for said horse has been presented to the said warden, and that he declined to pay the same on the ground of lack of authority.

This deponent further says that he believes the said bill amounting to four hundred and thirty-six ³³/₁₀₀ dollars (\$436.33), to be correct and justly due from the said State of New York to the said Perry & Co.

This deponent names Mr. Charles Davis, warden of said prison, and Mr. A. J. Biglan, principal keeper of same, as witnesses that may be called to substantiate these statements.

. ANDREW DICKEY.

Subscribed and sworn to before me, }
this 18th day of March, 1879. }

JOHN T. PERRY,

[L. S.]

Notary Public in and for Albany County, N. Y.

No. 180.

In the Matter of the claim of Perry
& Co.
agst.
The State of New York,

Claim for damages committed by an insane convict at Sing Sing prison; amount claimed, \$503.17.

CLAIMANT'S STATEMENT.

STATE OF NEW YORK, }
City and County of Albany. } ss. :

Andrew Dickey, at Sing Sing, N. Y., a member of the firm of Perry & Co., of Albany, being duly sworn, deposes and says:

That on or about the 21st day of April last, a convict employed by the said Perry & Co., in the State prison at Sing Sing, in a state of pretended insanity, and armed with weapons, destroyed the property belonging to the said Perry & Co., as set forth herein, all within the space of a few moments, and before he could be restrained by his keepers.

That since the said date, a copy of the within bill of said damages has been presented to Mr. Charles Davis, warden of said prison, in all respects the same as the within.

That said warden replied, in substance, that he had no authority to pay the same.

This deponent further says that he believes the said bill amount to five hundred and three ~~11~~¹⁶ dollars (\$503¹⁶/₁₀₀) to be correct justly due from the said State of New York to the said Perry & C

This deponent names Charles Davis, warden of said prison, and A. J. Biglan, principal keeper of same, as witnesses that may be c to substantiate these statements.

(Signed)

ANDREW DICKE

Subscribed and sworn to before me, }
this 19th day of August, 1879. }

E. H. FREEMAN,

[L. S.]

Notary Public, Westchester County.

Property destroyed by John Welsh, convict, April 21, 1879.

Iron Patterns.		No.	Hours.	W of
1 top.	Alpine ...	22	20	
1 swing top.	do	25	10	
1 side	do	28	20	
1 upper front.	Clarendon	22	40	
1 end right	do	22	30	
1 back lower	do	22	20	
1 low swing cover.	do	22	30	
1 end door damper	do	22	2	
1 lower front.	do	24	35	
1 front door.	do	24	20	
1 door frame right end	do	24	30	
1 lower door.	do	24	25	
1 lower swing cover	do	24	30	
3 long centers	Argand.	9	30	
1 side lug.	Orion.	31	1	
1 outside fire-pot ring.	Florence	22	1	
1 inside fire-pot ring.	do	24	1	
1 swing cover	do	24	1	
1 left side.	Cornell.	9	20	
1 ext. back.	Cortland.	8	5	
2 name plates	Brunswick	9	40	
1 end flue strip sqr.	do	9	2	
1 end flue strip ex.	do	9	2	
1 fire door.	do	6	10	
1 mica door damper (left end dr)	do	6	2	
1 mica frame (left end door).	do	8	2	
1 wood box cover.	Oxford.	7	2	
1 cross piece (1878)	Windsor	8	10	
1 front (1879)	do	8	30	
1 side right (1879)	do	8	30	
1 hearth plate damper (1876)...	do	8	2	
1 mica plate for soft coal.	do	8	10	
1 H. C. broiling damper	do	8	2	
4 short centers	do	8	40	

Carried forward 555

Iron Patterns.		No.	Hours.	Weight of Iron.
Brought forward.....			555	179
3 cross pieces.....	Windsor	9	30	8
1 hearth plate damper.	do	9	2½	1
1 extra back flue strip.....	do	9	2	1
1 front flue stopper.....	do	9	2½	1
1 tank cover.....	Champion.....	9	5	3
4 window section mica	Irving	10	15	1½
1 upper end left	Clinton.....	21	30	2
1 upper end left ..	do	23	30	3
1 feed door damper.....	do	23	2	½
1 light cover, nine inch.....			5	4
1 cook drum top.....	Economist O. S.		20	4
1 tank shield match.....	do		40	25
1 flat heater door.....	do		40	25
1 flat heater bottom	do		5	1
1 tank end right.....	Glenwood	9	20	5
1 high tank flue strip.....	do	9	2	1
1 square rolling damper.....	do	7	3	1
1 hearth plate damper (1877-8)..	Amherst.....	8	2	1
1 square rolling damper.....	Winthrop.....	7	3	1
1 hearth plate door.....	do	7	5	1½
1 heavy cover.....	do	9	5	5
1 hearth plate damper.....	Portland.....	11	2	½
1 damper	Stand Radiator.		2	1½
1 ash damper.....	All Right.....	9	2½	½
1 grate follower.....	Western.....	8	1	½
1 inside mica frame.....	do	8	2	½
1 mica plate.....	Ashland.....	8	10	1½
1 rolling damper.....	Columbia.....	7	3	1
1 T center.....	No. 8.....		15	5
			861½	285½

For property damaged by Jno. Welsh, convict, April 21st, 1879.

86 days' labor (average convict and outside) fitting patterns at \$1.....	\$86 00
9 days' foreman labor fitting patterns at \$3.	27 00
285 lbs. pattern castings at 25 cents.....	71 25
12 days' altering patterns (wood) at \$3.50.....	42 00
10 days' labor taking patterns out of sand and interruption to mounting.....	50 00
349 snap moulds at 6 cents.....	20 94
Plating machine.....	185 00
Boxing, \$4; freight, \$3.50; cartage, \$2.....	9 50
	<u>\$491 69</u>

This claim has never been presented to any State officer for payment.

Charles Davis, Esq., warden of Sing Sing Prison, will appear on 10th inst as a witness.

Hon. Hamilton Harris will appear as our counsel.

PERRY & CO

ALBANY, Dec. 2, 1879.

STATE BOARD OF AUDIT,
OFFICE OF THE SECRETARY OF STATE,
ALBANY, March 10, 1880.

In the Matter of the Claim of Perry
& Co.
agst.
The State of New York.

Two cases.

Stipulated that the evidence herein taken shall apply to both cases.
Wm. B. Ruggles, First Deputy Attorney-General. Counsel for
State, and Hamilton Harris, Counsel for the claimant.

TESTIMONY.

Theodore W. Dailey, having been sworn, testified as follows :

I reside in Hamilton, Orange county; I am keeper of the prison at Sing Sing; in April, 1879, I was keeper in the carpenter shop and keeper of convicts in the Sing Sing State prison.

Q. On the twenty-first day of that month was you on duty? A. Yes, sir, as keeper.

Q. Did you see a convict on that day by the name of John Welch? A. Yes, sir.

Q. Do you know the firm of Perry & Co.? A. Yes, sir, they have a manufactory of stoves there.

Q. They had the use of convict labor under contract of the State? A. Yes, sir.

Q. They were at that time engaged in the manufacture of stoves and using the convict labor in so doing? A. Yes, sir.

Q. On this day did you see this convict Welch enter into one of the shops? A. Yes, sir, the carpenter shop.

Q. Where the claimants Perry & Co. were engaged in work? A. Yes, sir; I saw him just after he got into the shop; he broke the patterns with an ax; the patterns were laying on the table about the size of this one; they were stove patterns; a very light blow would break them; he broke them in two or three minutes; he broke them by striking with his ax; I was in the rear end of the shop and was in front, and before I could get to him he ran out, after he broke them; he then went in what is called the "snap" foundry and stayed ten or fifteen minutes and came back again and ran into the shop; he came in the lower part, before he was in the upper part there was no curtain there; I could see what was going on; there where he broke the patterns the first time; the next time he came to the lower part of the shop and there is where we captured him, myself and a keeper named Mackin; we disarmed him; we captured him by knocking him down; he had two knives; when I first saw him he was breaking patterns; he broke quite a large pile of them; don't

know how many there were; might have been forty or fifty; these were the patterns of Perry & Co. for making stoves.

Cross-examination:

Q. How did this man get into the shop? A. He came in by the outside stairs over the door.

Q. What was he in the prison for? A. His crime; I don't know; I think burglary; am not certain about it; Mr. Hyatt in the mounting shop had charge of him.

Q. Was that a shop that Perry & Co. had any thing to do with?

A. Yes, sir.

Q. This man's business was to work in the mounting shop?

A. Yes, sir.

Q. Where was the mounting shop? A. South of the carpenter shop, about twenty rods.

Q. How long had Welsh been working on this stove contract?

A. Could not say as to that.

Q. How long to your knowledge? A. I think about three months previous he was to work in the polishing shop; that was connected with the stove manufacture; they transferred him from there to the mounting shop.

Q. Was Perry & Co. in the habit of having men in the shop to represent them? A. Yes, sir; they had a foreman in there, in each shop; some shops they have more than one; that shop they had one; I don't think there were any citizens in there at that time.

Q. Did they usually have men in their own employ that were not convicts, that were in the carpenter shop? A. Yes, sir; sometimes they had when they could not get convicts enough.

Q. Did they have instructors? A. They have what is called regular foremen over the whole — convicts and citizens.

Q. What were the functions of these foremen of the shop? A. He was to give out work and see that it was properly done; there was no one in the carpenter shop to show how to do the work but the foreman; in some of the other shops there are some citizens there to instruct; the citizens are brought in by Perry & Co., and paid by them.

Q. What was done with this Welsh after you had captured him? A. He was taken to the upper keeper's office and locked up.

Q. Are you keeper there now? A. Yes, sir.

Q. Was he put on the contract again to work? A. I am not positive, but I don't think he was; I have heard that he was sent to some other prison.

Q. Did you see anything more of him after you had captured him in the shop? A. No, sir; I never saw him after that.

Q. He was kept locked up after that? A. Yes, sir; I think he was.

Re-direct:

Q. Did Perry & Co. have any other foreman than those assigned to attend to their own work? A. No, sir, not at all; the foreman has not got any thing to do with the convicts; the keepers attend to the discipline; the convicts would not pay attention to a foreman in regard to discipline.

George E. Williams, sworn for claimants, and testified as follows:

Q. Did you see this convict, John Welch, in April, 1879? A. Yes, sir; I did.

Q. Did you see him smash any of the property of Perry & Co. any of the shops? A. In the nickle-plating shop I saw him smash two batteries with an ax; this was in the neighborhood of one o'clock just about one o'clock.

Q. State what property it was? A. The two electric batteries was the plating machine; I saw him smash two with an ax.

Q. Was he loose and free from his keepers? A. Yes, sir; I talking with the keeper at the time, when he came in. One of convicts came in and said "there is a man in there smashing teries." I looked and saw him give two blows at each of the batter. I then reported to the principal keeper of the prison, Mr. Biglin. was talking with the keeper in which I kept my machine shop; I a machinist, and was employed there.

Q. What was the value of the plating machines that he broke? A. One worth about \$800. From \$500 to \$800 apiece.

Q. What damage did he do, in your judgment? A. I went to New with one—I should think \$200 to the two machines, at that time.

Q. Did you see him in the other shops? A. No, sir; it was only this shop that I saw him.

Q. Describe about the convict Lynch, July, 1878? A. The were all at the mess-room; as I came through the shop I heard noise up stairs and thought there was a fire; I heard a pounding the place where they kept stoves; I went there and got pretty n and I saw what was going on; a chap sat by the window with a k between his teeth; I left and went down stairs; he jumped up went to smashing batteries. Lynch was a convict in the prison; was just before the whistle blowed at noon-time; he smashed plating machine; I don't know that they were the same machin he smashed two of them.

Q. What was the damage which Lynch did? A. I should think the plating machines the damage would amount to \$400 or \$500, two of them; the insulation was broken; he smashed two lathes the machine shop; he done \$40 or \$50 damage to the two of them.

Q. Did you see him in the carpenter's shop? A. No, sir; keeper knew the convict; he went to him and told him to go v me, and he walked off with me. He drew a knife on one of them they finally captured him. The foreman don't go armed; the S keeps the convicts in there in their places, and the foremen report the keepers if they don't obey us.

Cross-examination:

Q. Have you had experience in the manufacture of these elec batteries? A. No, sir; never bought one.

Q. Have you had any knowledge of the market price of the machines? A. Only by what I have been told; I have been told they were worth \$500 to \$800 apiece; aside from that I don't k anything about it; I didn't have any thing to do with the repair the batteries; I don't know what the charges were for repair.

never saw the bills for repairs of lathes. I supposed the affair was all blown over until last summer; we repaired the lathes ourselves and gave the account at the time; I was employed by Perry & Co.

Sylvester McNinch, sworn for the claimants, and testified as follows :

I was foreman in the polishing shop in July, 1878, in Sing Sing prison; I saw the convict, Welch, on the 16th of July, 1878; it was about a quarter past one; I saw him in the snap foundry trampling upon 300 or 400 flasks, and he broke up 300 or 400 patterns; he done it with an ax; he was away from his keeper; he was free from the control of the keeper; that is all I saw him do; I didn't see any thing more of him; I was there the following April, 1879; just before the whistle blew the convict, Lynch, came into the shop; he was free from his keeper; I saw him first on the elevator; he got to the top floor; he cut the rope of the elevator; I went up there; he was breaking up these stoves; he made the remark that he would cut my heart out; I got out; he damaged 30 odd stoves; between 30 and 40; he had a sledge.

Q. What do you say was the value of the property he destroyed?

A. The snap patterns are worth from \$3 to \$13 a set; there were about 70 patterns broke in the snap foundry, beside trampling on between 300 and 400 flasks.

Q. What would you say was the amount of damage he did, from your knowledge, all together? A. It cost, at the least calculation, from five to six dollars to repair the stoves apiece; the patterns are worth from three to twelve dollars; the damage of trampling on the flasks would be ten cents a mould; there was between 300 and 400 of them; he took particular pains to step on every one; Lynch had the sledge, and Welch had the ax; Welch broke the patterns.

Cross-examination :

Q. Did you see both of these men? A. Yes, sir; Lynch went out of the plating room; I saw him when he gave himself up; the keeper locked him up; he was at work for the State.

Q. Wasn't he working on this Perry contract? A. Not at that time, he was not; he was employed by the State; he was in the jobbing shop; he was a mason by trade; he jobbed around the yard; he wasn't working for Perry, not without the State had work for him there; he wasn't at this time; he wasn't at any time after; could not say whether at any time before; I didn't see any thing more of him after this transaction.

Q. State what you saw Lynch do? A. I was standing on the elevator in the second story; he came up, and hadn't been there more than ten or fifteen minutes before the rope was cut; I went up stairs, and he had gone down on the east side of the shop, and he broke a stove as he was going down; he was breaking stoves with a sledge.

Q. Was anybody else in the room where he was? A. Yes, sir, there were two convicts working there.

Q. How long had he been there when you got where he was? A. I should judge about fifteen minutes; don't recollect the exact time; I didn't stop long.

Q. When did you go and examine the stoves that he broke? A. About fifteen minutes after they caught him.

Q. What kind of stoves were they? A. I think they were Argand parlor stove, base-burner.

Q. How many separate stoves did he break? A. Between thirty and forty; I forget the exact number; I did not make any memorandum at the time of the number of stoves he smashed.

Q. What do the Argand stoves sell for in the market? A. Different prices; I don't know; I judge about twenty-eight to forty dollars; I don't know what it costs to build them.

Q. How much did Perry pay for the labor of convicts? A. I do not know any thing about it; I never knew any thing about it; I understand that the foremen employed by Perry & Co. are not allowed to speak to, or have any thing to do with, the convicts.

Q. Did you make an estimate, at the time, of the injury that was done to each particular one of these stoves? A. No, sir, I only judged by looking at them; they were pretty well used up.

Q. What was done with these stoves after this man had injured them? A. I could not tell you; I supposed they were repaired.

Q. There was every facility in the shop for replacing pieces that were broken? A. I don't know whether there was or not; I was not engaged in the polishing shop.

Q. Don't you know whether they had facilities for restoring pieces? A. Not for the Argand stoves; I could not say they had; they built them at this time.

Q. What else did you see Lynch do except break the stoves? A. That is all.

Q. What did you see Welch do? A. I saw him in the snap foundry breaking the snap moulds, and trampling on the moulds, and breaking up the patterns.

Q. Did you go through and make an estimate at that time of the injuries that was done to the patterns? A. No, sir.

Q. Did you count the number of patterns that he broke? A. No, sir, I did not; we polished all the work; I never had any thing to do with the making of the patterns; I don't know that the patterns were got up there.

Q. Have you ever been engaged in the pattern shop here in Albany? A. No, sir.

Q. Do you know what the expense of making is? A. Could not tell the exact expense.

Q. Can you tell within any reasonable approximation of the amount it cost to get them up? A. It is owing to the kind of casting; it is four or five dollars apiece.

Q. How do you get at the cost? A. The man that makes the patterns.

Q. How many patterns will a man make in a day? A. He may make one in a day.

Q. How long would it take to make these patterns you speak of? A. Probably a day and a quarter; I worked at bedding patterns; I refitted them to a board; it was out of my line of business.

Q. In regard to snap-flasks; do you know what it cost to get them up? A. That is a day's work.

Q. I am talking about the manufacture of these flasks? A. They are worth ten cents apiece; I have put up fifty in a day, and they are estimated at ten cents apiece; the flasks were made by the convicts; a man could make about fifty of them in a day.

Moses Wright, sworn for the claimant, and testified as follows:

I am foreman in the shipping department at Sing Sing prison; and was in July, 1878; on the 16th of July my attention was called to a disturbance caused by a convict breaking stoves; I went up into the store-room and found a great many of them had been broken; first-class parlor stoves—first-class goods; he seemed to have picked them out; I reported to the office what he had done, and took an account of what he had broken, in detail; I saw the convict as he was leaving the building through the front entrance; he had a small sledge in his hand.

Q. What amount of those stoves was broken? A. Mostly large pieces; great many of them were turned upside down; the bottom was the piece he especially hit.

Q. How many were broken? A. About 75; I saw him as he was going out of the building after he had done the work.

Q. Did you see any other damage he done? A. Yes, sir; where he had cut the rope on the elevator; I saw the batteries smashed, after they were smashed.

Q. You only saw the damage after it had been done in this store-room, and saw him leaving the room after the damage had been done? A. Yes, sir.

Q. Did you see any damage done by a convict in the following April? A. I saw some work he done; I saw the damage had been done the following April, but I didn't see the man do it.

Cross-examination:

Q. What kind of stoves were those that he broke? A. First-class parlor stoves made by Perry & Co.; there was the Argand plain, and Argand oven; some of them have a cooking attachment and some are plain; there is one called the Argand heating stove and another the Argand parlor.

Q. Do you know what the expense of getting up these Argand stoves was? A. No, sir, not what the original cost is, but I know about what it cost to repair them.

Q. Did you make a memorandum, at the time, of the injury that was done to these stoves? A. Yes, sir, the same day; I have not got the memorandum with me; I handed it in to the office of Perry & Co.

Q. How soon after the damage was done did you make this examination and this memorandum? A. Probably a half an hour after it was done; I made a statement in writing of each piece that was broken in these different stoves.

Charles W. Richards, sworn for the claimants, testified:

I am in the employ of Perry & Co.; I was in July, 1878, and April, 1879; I was superintendent, at Sing Sing, of their works.

Q. You have a contract with the State to employ convict labor in their shops there? A. Yes, sir.

Q. Did they have this convict labor in these two months, July, 1878, and April, 1879? A. Yes, sir.

Q. Was Perry & Co. permitted to have any control, discipline or charge of the convicts themselves? A. None whatever.

Q. They were not allowed by the keepers to have any thing to do with the discipline, or control or charge of the convicts? A. Yes, sir.

Q. On the contrary, were they censured, or any of the men censured if they spoke to, or had anything to do with, them? A. Yes, sir.

Q. Did it often occur that men in the employ of Perry & Co., that had spoken to convicts, were discharged? A. Yes, sir, for violating the rules.

Q. It was a rule of the prison that you had nothing to do with the convicts? A. Yes, sir, any more than instructing; no charge, discipline, or control whatever.

Q. Did you see either of these occurrences that have been related here? A. No, sir.

Q. Did you see the amount of damage which they had done respectively, after they had done it? A. Yes, sir.

Q. Did you go through and make an inventory of the damage which had been done in these two cases? A. Yes, sir, I went through the shop after it had been done, and made an inventory.

Q. Did you afterward keep an account of the amount of cost which the claimants, Perry & Co., incurred in repairing the damage? A. Yes, sir, as near as possible.

Q. (Showing paper.) Is this a list of the damage done and the cost that Perry & Co. incurred in repairing the July fracas? A. No, sir.

Q. What was the total amount of cost to repair the damage done by the convict, in July, 1878? A. There seem to be some other items in there that I know nothing about. There is something about a horse. There is an item about a horse, \$491.69. "One horse purchased from the warden." This appears to be items for the affray that occurred in April.

Q. Is that the amount which the claimants had to pay for the repairing of damages done by the convict? A. It does not really cover the cost.

Q. How much more would you say should be added to that? A. I should say it does not cover the cost into \$100 or more.

Q. State the reason why there was more expense to the claimants than they made out their bill for in the first place? A. They had to duplicate to replace, that Perry & Co. didn't have. In consequence the claimants were put to an extra cost of about \$100. This bill is made out \$491.69.

Q. Do you wish the board to understand that the damage done to the claimants amounted to \$591.69? A. Yes, sir. The bill was made upon the supposition that we had duplicate wooden patterns, when it turned out that we did not have them.

Q. Was you cognizant of the expense incurred by claimants in repairing the damage done by the convict in April, 1879? A. Yes, sir, to some extent. This was estimated, and the repairing of the stock had to be estimated.

Q. According to your best judgment, does this represent the cost to the claimants for repairing the damage that was done? A. It cost

that year about one dollar and fifty-six cents to mount a stove complete, and we have charged here upon an average of about fifty cents for repairing these stoves; we were put to an expense for the transportation of the castings and making new castings, and replacing them, and have merely charged for the castings here and credited for the same amount of scrap; there was really as much work in the handling of the stoves to the shops, taking them down and cleaning them and replacing them, it was more, or as much work as mounting a new stove.

Q. According to your knowledge and experience and judgment what do you say as to the charges in that bill? A. As to being just, I should say there was nothing unjust about them.

Q. Do you say that the claimants incurred a loss and damage by reason of the performance of this convict, to the amount of that bill? A. I do.

Q. What is the amount of the bill? A. Three hundred and fifty-nine dollars and seventy-one cents.

Q. Should there be any thing added to that, that has been discovered since this was made out? A. Yes, sir; it cost us more to repair the stoves than we anticipated; it cost us twenty per cent more; that would make an average of some five cents on every stove to repair them; on repairing the stoves there is between ten and twelve dollars; then there is the consideration of manufacturing the castings to replace those that were broken, which has not been taken into account, and the transporting of those castings.

Q. Put it all together and give the total? A. I should estimate it at about seventy-five dollars.

Q. According to your best judgment, the actual damage sustained by the claimants by reason of the acts of the convict, in July, was \$100 more than the bill; and by reason of the conduct of the convict in April was about seventy-five dollars more than the itemized bill? A. Yes, sir.

Cross-examination:

Q. When was your estimate made? A. Directly after each incident; the inventory was taken of it immediately after each occurrence.

Q. Take the bill of July, 1878; the first item, "fifty Argands"? A. The charge is fifty cents a piece; this cost us to mount them complete \$1.56 that year; these were taken to the mounting shop; that is time estimated at the rate of convict labor; the price of convict labor is fifty cents now; I don't know but it was forty cents in 1878; the contract was a five year contract; the first year was forty cents, and the next was fifty cents; we commenced in 1877.

Q. What time in 1877 did the contract commence? A. In April, and the contract was dated January 1st, 1877; I am not very familiar with the contract.

Q. Take the first item "fifty Argands," what is this "16"? A. That denotes the size; the average cost to mount the stoves.

Q. How do you get this forty-five dollar item? A. That is something I haven't noticed; I didn't make out this bill, I merely made the items; the fifty cents is my estimate.

Q. According to your estimate that should be \$25 instead of \$100?
A. Yes, sir.

Q. Take the next item, "three models"? A. Those are the Argosies. We had to get the castings for in Albany, and we had to transport them, and repair them there; "the three models" is the name of another style of stove that was broken; it is a parlor stove, and the material is cast iron; they were pretty thoroughly smashed; I don't give the number of pieces that was broken.

Q. Do you know whether this corresponds with the memorandum that you made at the time? A. Yes, sir; the 55 cents item of that there were five pieces broken; the top flue ring, the right flue ring, and hood.

Q. Pass down to the item \$133.90, 2,678 pounds of castings? Those are castings.

Q. At five cents per pound? A. Yes, sir.

Q. Was that the price that it cost Perry to get the iron? A. I could not tell you that.

Q. How do you come to put it five cents? A. That is what we should have obtained for the castings, if we had sold them.

Q. That involves some profit on the sale? A. Yes, sir.

Q. Do you know what amount of margin there was at that time? A. I don't.

Q. What did you do with the broken pieces? A. I think you would find them credited "scrap iron."

Q. How much is the broken pieces credited at? A. One-half cent a pound, \$13.39; equally as many pounds of scrap as the State is charged for casting; we charge five cents per pound for the castings and the broken pieces one-half cent; we billed it scrap iron.

Q. What would be the expense for casting per pound; you are turning out a couple of hundred stoves per day? A. Yes, sir.

Q. How much would you estimate the item of labor in recasting per pound? A. I could not say exactly; I should say in the neighborhood of about \$20 per ton; costs more than that; it would cost to be moulded and that would cost \$28 or \$30 a ton.

Q. Figure it down to pounds? A. Cost about two and one-half cents I should say to melt it, and mould it, and it is to be cleaned, milled, and there is the grinding, filing and drilling.

Q. It is worth about all the iron is worth to recast it? A. I would rather not have the scrap than to have it at that price.

Q. What is the difference of iron taken out of new stoves, and scrap iron you would buy? A. It deteriorates every time you melt it a small per centage.

Q. Don't you think it is a small proportion, one-half cent a pound to credit the State, when you charge the State five cents? A. I have got to estimate the cost of melting and moulding; we don't consider it profitable.

Q. I'm not talking about profit. You are asking to be indemnified for what it cost you, and on the basis of simple indemnity, don't you think you ought to give the State a little more credit than one-half cent a pound? A. That was our custom of paying for scrap; the stoves sold by the piece.

Q. Were there two galvanic batteries destroyed? A. Yes, sir.

Q. The first one that was estimated at \$60, how long had that been used? A. I could not say; one we had in use about two years, and another hadn't been in use but a very short time; it was the new one.

Q. How long had the new one been in use? A. Not over three or four months; we got it at Newark, N. J.

Q. What was the price? A. Five hundred dollars.

Q. Did you send this battery back there to be repaired? A. Yes, sir.

Q. What did they charge you for repairing? A. When we sent the machines there they estimated the cost at \$60; and the actual cost of the repairs exceeded their estimate. (Witness showing copy of the original bill.)

Q. This injury was done in July, 1878? A. Yes, sir.

Q. Those are the same machines? A. Yes, sir; they brought in a bill of \$153.70; we had to pay them the amount they charged.

Q. Are you entirely certain that this machine, which is charged in March, 1879, was for repairs on either of these machines that were injured July, 1878? A. Yes, sir; we had no other repairs but for these accidents; we didn't buy a new machine.

Q. Where were those patterns repaired? A. In our pattern shop.

Q. By whom were they repaired? A. By our pattern man; there was some convict labor on them.

Q. Where there was convict labor have you charged at the rate of the price of convict labor? A. Yes, sir, it seems to be so.

Q. Was that your rule? A. It was the rule where convict labor was employed, and charged our foreman's labor.

Q. What do you charge for your foreman's labor? A. At the price we pay him.

Q. Who kept account of the hours and labor in this matter of repairing? A. It was done by the foreman.

Q. Was this inventory that you made up made from the memorandum of the foreman, as to the hours? A. No, sir; it was estimated; the number of hours we could not tell—about how long it takes to do these pieces and to put these patterns in repair.

Q. Do you know, in point of fact, whether the result corresponds with the estimate on this matter of hours' labor? A. The result was that it took more time than what we estimated; I have only the time that our foreman brought, and he estimated that it would take so much time, and it has taken more; I do not find any case where it has taken less time than we estimated.

Q. On the last page of this bill I notice 285 pounds of pattern castings, at 25 cents per pound. How do you get at that item? A. We weigh every pattern, and have a record in our office.

Q. What are the elements that enter into the estimate of the amount at 25 cents per pound? A. I don't think you can buy pattern castings for that now, or in April, 1879.

Q. How do you get at how much it is worth per pound? A. That is the regular charge for pattern castings to buy them.

Q. That includes an element of profit in that, does it not? A. Yes, sir; but we have to pay a profit when we buy them; I could not say what the actual cost of making patterns is.

Q. These particular patterns are made by Perry & Co.? A. Yes, sir; we make them all. Take the last one "T center," to manufacture that pattern, you would have to pay a pattern moulder \$5 a day, and he would mould at the most seven of them a day, might mould eight a day. That would cost sixty-three cents apiece for moulding, and there would be the cost of the patterns and the labor of moulding iron, and the labor of cleaning patterns, and the loss incurred in moulding.

Q. There is a margin in that twenty-five cents a pound for profit. Can you tell what the margin is? A. It could not be over five cents at the most, if there is any at all.

Q. Does this plating machine, \$125, constitute your electric machine? A. Yes, sir.

Q. How many plating machines were there destroyed? A. Two at each time.

Q. Which one does the last item refer to, plating machine, \$185. Did Welch break two plating machines? A. One was broken over again, and one new one. I didn't see them break the machine.

Q. This item of \$185, in the last part of the statement, must be made up of the items, \$13.80, August 31, 1878; \$153.70 for fixing, March, 1879; freight, \$16.17, and which, in fact, amounts only to the sum of \$183.67? A. I presume it is. I cannot explain clearly, but these charges can be explained right. I thought I had a memorandum here to do it.

Q. Have you not already explained the items of \$60 and \$20, were items simply, before the repairs were made, and that after they were actually made that it amounted to \$183.67? A. We paid an invoice March 28th, of \$153.70; and in April \$85. May 1st, repairing machine \$100. Then there were some claims back; their invoices were \$338.70, for repairing these machines. We had some trouble with them in repairing these machines, and some difficulty in settling, but those amounts are correct in some way or other. I have no doubt that they are correct. Those charges are what we actually paid for the repairs of those machines damaged. We had difficulty in settling with the manufacturers in repairing those machines. The machines were not altered; they could not alter them.

Q. Where were those payments made? A. They were made at the Albany office; the checks would show what they paid. The machines were broken twice, in July and April. The first is the estimated cost, and the other is the actual cost; I know the bills were paid; the machines were destroyed twice; in April and July; in one case the State is charged, in July, \$60. The charge is for repairing one galvanic battery, new, that was charged at \$26.50.

Q. Is that all the charge in that bill? A. Yes, sir; that is in July.

Q. Now take the other bill, April damage, what is charged there? A. Repairing plating machines, \$125; boxing, \$4, freight, \$3.50, cartage, \$2.

Q. Is that all that is charged in the April damage? A. Yes, sir.

Q. Is there any duplication about that? A. No, sir, there is no duplication. The bill is one that was handed to me by one of the clerks, and it is not complete.

By the COUNSEL FOR THE STATE :

Q. Can you tell when this old machine that was damaged in July was repaired? A. It was repaired as soon as we could get it repaired.

(Mr. Williams, a former witness, here stated that he took one of the machines to be repaired in July, 1878, and left the one badly damaged to come; that it came back in 10 or 12 days, he thought, but could not state positively.)

Q. Tell about how long the second machine was at the shop for repairs? A. It was there about two months; that was the machine that was the worst damaged.

Q. Can you tell whether this item of \$183.67 was for repairing the machines that were broken in 1878 or 1879? A. It is my impression that \$183.67 was the balance of what the estimate was, and the actual cost of repairing the second time. That was the balance of their estimate and the actual cost in 1879.

Q. In 1879 the testimony shows that the breakage was not done until April. This bill is dated March 28, 1879? A. Then I am just mistaken; I don't know any thing about that, but I feel sure that the charges were correct. I cannot now explain the matters in difference any clearer than I have.

By the COUNSEL FOR THE CLAIMANT:

Q. There was something said about the stoves broken being worth five cents a pound, and scrap iron half a cent a pound? A. Yes, sir.

Q. Were those castings, as they were before this convict broke them, worth five cents a pound in the stoves? A. Yes, sir.

Q. Was the scrap iron worth any more than half a cent a pound? A. Not as scrap iron, no, sir.

Q. So the loss to the claimants was the difference? A. Yes, sir.

By the COUNSEL FOR THE STATE :

Q. What do you mean by saying that it is worth five cents a pound?

A. I should have to give five cents a pound to obtain it; it is worth in the market five cents. They would have got five cents if they had sold it.

Q. You have estimated the five cents on the theory of the price which the company sell the stoves? A. Well, yes, sir.

Q. On sales at a profit? A. That was what they sold the castings on; I presume they make a profit on that.

Q. The half a cent a pound that you credit the State with is what you pay in buying scrap iron? A. Yes, sir.

George E. Williams, recalled and further testified :

Q. Repeat what you said when you was on the stand before? A. The machines were broke twice in April, 1879, and in July, 1878. The first breakage I considered the heaviest damage. These plating machines have got a cast iron case over them, and one of them was broken through and the insulation was cut off; the machine would have to be taken apart; there are miles of copper wire that had to be taken apart.

Q. In regard to April, 1879, were both machines broken then? A. Yes, sir, one shell was cracked, and in the other the arbors were broken completely off.

Q. You went to Newark yourself? A. Yes, sir, with the first one.

Q. From your knowledge of these machines, what would you was the damage on the first breaking in July, 1878? A. That is of my line of business ; I don't know what the bill was ; I don't know the cost ; I saw the breaking of these machines in April, 1879, and July, 1878. Both machines were broken at each time.

The counsel for the claimant put in evidence a contract duly executed between the State by their officers, and the claimant Perry & Co. Marked "A," March 10, 1880. Hereto annexed. The counsel for the claimant here rested his case.

EVIDENCE CLOSED and case submitted for decision.

The counsel for the State objected to the allowance of this claim on the ground that the State cannot be held liable for damages committed, on account of alleged negligence and want of care on the part of its officers or agents.

That the remedy, if any is to be had, is against the officer or agent in their individual capacity.

Adjourned to the 12th inst.

EXHIBIT "A."

B. S. W. Clark, Warden, with Perry & Co.

AGREEMENT.

Articles of agreement entered into this 18th day of April, 1880, between Benjamin S. W. Clark, agent and warden of Sing Sing prison of the first part, and Perry & Co., of the city of Albany, of the second part, witnesseth :

WHEREAS, The said party of the first part is desirous of hiring the said party of the second part the labor of several hundred men prisoners now confined or to be confined in the New York State prison located in the village of Sing Sing, in said State, for the manufacture of stoves, hollow-ware and other things appertaining to the same ;

WHEREAS, The said party of the second part is desirous of hiring and employing such labor in said manufacture as rapidly as it can be organized and trained for the same, and as the facilities for carrying out such works are provided and to such extent as the market for such products shall warrant and require ; now,

Therefore, the said party of the first part in consideration of the premises and of the provisions hereinafter to be recited, agrees to give to the said party of the second part, during the continuance of this agreement and without charge for rent, the free and exclusive use of a three-story stone building, situated within the inclosure of said prison, the same having lately been used for the manufacture of cabinet work, being about thirty-six feet in width by two hundred and twenty feet in length. Also the one-story stone building immediately adjoining thereon the west, the same being about thirty-eight feet in width by seven and nine feet in length.

Also the two small additions attached to the south wall of the first mentioned building, used respectively as an engine room and a blacksmith shop.

Also the steam engine, boiler and other machinery, tools, fixtures

shafting, belting, office furniture, etc., now contained in said buildings, so far as the same is the property or under the control of the said party of the first part.

The said party of the first part further agrees to construct immediately south of said building, such other buildings of wood filled in with brick, of one story in height, as the said party of the second part may require for foundry and storage purposes, sufficient for the magnitude of the business, and to give the free and exclusive use of the same to the latter without charge for rent.

Also to put up such racks and shelves as may be required by the said party of the second part for the piling of patterns and of castings, as the latter are made from day to day; also, such partitions in the first-named building, as may be required for the division of the several departments; also to keep the afore-mentioned building in good repair; and in case any of them shall be injured or destroyed by fire or other casualty, the same shall be immediately repaired or rebuilt at the cost and charge of said party of the first part; and further that in case the said boiler should explode or become unsafe for use, the said party shall supply another of equal power and capacity.

The said party of the second part agrees to furnish, at their own cost and charge, the necessary cupolas, blowing fixtures, belting and other machinery, except that hereinbefore named, for successfully conducting the said business; but the said party of the first part agrees to furnish, without charge, a sufficient number of men to assist in moving and putting up the same ready for use.

It is mutually agreed between the said parties that upon the termination or cancellation of this contract, the party of the second part shall have the right to remove all such property so furnished by them, irrespective of any legal rights that may apply to such portions of the same as might come under the class of permanent fixtures.

The said party of the first part further agrees to allow the said party of the second part the free use of the dock within or opposite the said inclosure, for loading or unloading freight, and also the right to lay a track from the Hudson River railroad into the southern part of said inclosure, and to continue the same as far north as the north line of said first-mentioned stone building, and to have a free ingress and egress for cars from and to said road during the usual hours allotted to prison labor; also to furnish, without charge, a sufficient number of men to assist in laying the said track.

The said party of the first part further agrees to furnish to the said party of the second part such men and in such numbers as the latter may, from time to time, require, the same to be selected from those confined in the New York State prisons located at Sing Sing aforesaid, and at Auburn and Dannemora, all with special reference to their respective adaptability for the work required, or aptness to be taught the same with a reasonable amount of instruction; such interchanges to be made when it can be done without serious inconvenience to other interests.

It is mutually understood that in any case where a man so furnished to the said party of the second part shall, after a reasonable trial, be found unfitted for the work, that another shall be substituted in his place.

The classes that will be required by the said party of the second part are as follows, viz.: Moulders, mounters, nickel-platers, cleaners, grinders, pattern-makers, polishers, melters, pattern-fitters, carpenters, machinists, shippers, blacksmiths, japaners, clerks, laborers, engineers, and tinsmiths.

It being understood that the proportion will be about one moulder to one and a half or two of the other classes combined.

The said party of the first part further agrees, that whenever extra labor may be required by the said party of the second part, for loading or unloading cars or vessels, or for other temporary purposes, the same shall be furnished them when it can be done without inconvenience.

It is further agreed by the said party of the first part that the men shall work about ten hours per day from the first day of April to the first day of October, and about eight hours per day during the remainder of the year, and that the price for such labor shall be forty cents per day during the balance of the present year, and fifty cents per day during the subsequent four years or until the cancellation of this contract.

The payments to be made in cash on the 10th day of each month for the labor performed during the preceding month.

And, further, that the said party of the second part is not to pay for any time lost by the men employed regularly by them, when such loss shall arise from sickness or any casualty beyond their control.

The said party of the second part agrees to accept the men on the terms hereinbefore stated, and to make the monthly payments as provided, when the necessary buildings are erected and the machinery put in order for use; they shall begin to put the men at work, and increase the number as fast as they can be organized and trained to perform their duties with reasonable skill, and as the demand for the products and the circumstances of the case shall warrant and require. Whatever number may be thus accepted shall be continued regularly until the 31st day of December next.

On the 1st day of January of each year thereafter the said party shall elect to employ a certain number of men during the succeeding twelve months, and if during that time it shall be found that a larger number can be advantageously employed, the said party of the first part agrees to furnish the same, provided it controls any that are not employed on other work, such additional men being retained by the said party of the second part until the end of the same year.

This said party has heretofore employed in the city of Albany from five hundred to six hundred and fifty men, during eight to eleven months of the year, and confidently expect to employ under this contract six to nine hundred men, provided they shall prove satisfactory for the work, and the political and commercial interests of the country shall warrant the business to be conducted on that scale.

The said party of the second part further agrees to provide, at their own cost and charge a sufficient number of competent and trustworthy foremen and instructors to manage the various departments, to train the employees in their work, to see that the same is properly done, and in reasonable quantity. These said foremen and instructors shall, at all times, be amenable to the rules and regulations of the said prison, as from time to time made and provided.

The said party of the first part further agrees to provide at all times, at its own cost and charge, a sufficient number of competent keepers to maintain perfect system and order among the men, and to compel industry and regularity during the time allotted to labor.

The said party of the second part shall provide, at their own cost and charge, all the fuel necessary for conducting their manufacture, and also for warming their offices and shops; also oil for properly lubricating the machinery; and stationery for use in their offices, and all other material for carrying on such business.

The said party of the first part further agrees that no other manufacturer of stoves and hollow-ware and other things appertaining to that business shall be allowed to work in said prison at Sing Sing during the continuance of this contract.

It is mutually understood and agreed that the same shall terminate December 31, 1881, thus being for a term of about four and three-quarter years — but should the said party of the second part desire to terminate the same at the end of any of the intervening years, they can do so by giving to the said party of the first part notice, in writing, two months previous thereto.

It is further mutually understood and agreed that at the expiration of this said contract the said party of the second part shall have the first right to enter into a new contract for the continuance of the same character of manufacture as hereinbefore stated.

Signed and witnessed on the day and year first above written.

PERRY & CO.

B. S. W. CLARK,

Agent and Warden.

In presence of ROBERT Z. LIDDLE.

Approved April 20, 1877.

LOUIS D. PILSBURY,

Superintendent of State Prisons.

OFFICE OF SECRETARY OF STATE. }
FRIDAY, *March* 12, 1880. }

Board met pursuant to adjournment. All of the members present.

In the Matter of the claim of Perry
& Co.

agst.

The State of New York.

} *Two cases.*

On motion, ordered that the claim of Perry & Company (161) for the sum of \$358.17 be disallowed.

On motion, ordered that the claim of Perry & Company (180) for the sum of \$503.17 be disallowed.

No. 8.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, on Wednesday, March 10, 1880:

PRESENT — Joseph B. Carr, Secretary of State; James W. Wadsworth, Comptroller; Nathan D. Wendell, Treasurer — members of the Board.

No. 183.

In the Matter of the claim of James Moore agst. The State of New York.

Claim for labor upon the Erie canal at Rochester, and for services protecting State property; amount claimed, \$113.23.

CLAIMANT'S STATEMENT.

To the Hon. The Board of Audit:

The petition of James Moore respectfully shows that he is a resident of Rochester, Monroe county; that during the years 1878 and 1879, John Lutes, Esq., was superintendent of section No. 9, Western division of the Erie canal, and was duly appointed as superintendent of said section. That in the fall of 1878, said John Lutes, as such superintendent of said section No. 9, Western division of the Erie canal, hired your petitioner to look after the State property at the State yards in Rochester, and to take charge of the scows owned by the State; to regulate the depth of water that should be kept in the canal between Brighton lock and the stop gates west of said city of Rochester; to look after the bridges over said canal in said city and generally to have charge of the State property of all kinds in and about said city of Rochester, and to take charge of said Erie canal and the feeder in said city.

That your petitioner was to be paid for said labor the price of \$30 per month; that your petitioner worked for said State of New York during the months of December, January, February and March, amounting to the sum of one hundred and thirteen $\frac{23}{100}$ dollars. That no part of the same has been paid.

That said account has been presented to no one for payment, except to B. S. W. Clark, Superintendent of Public Works, who refused to pay the same.

That the witnesses whom your petitioner will examine are James Moore, Gerard Patchen, Mr. Ellis and Mr. Canfield.

JAMES MOORE,
Petitioner.

MONROE COUNTY, ss.:

James Moore, being duly sworn, deposes and says that he is the petitioner above named; that he has heard the foregoing petition read

and knows its contents; that of his own knowledge the same is true, except as to those matters therein stated to be alleged on information and belief, and as to those matters he believes it to be true.

his
JAMES x MOORE
mark

Subscribed and sworn to before }
me, December 6, 1879. }

C. WILLIAMS,
Commissioner of Deeds.

STATE BOARD OF AUDIT,
OFFICE OF SECRETARY OF STATE, }
ALBANY, *March 10, 1880.*

In the Matter of the claim of James
Moore
agst.
The State of New York.

William B. Ruggles, First Deputy Attorney-General, Counsel for the State; William H. Bowan, Esq., Counsel for the Claimant.

TESTIMONY IN THE CASE.

James Moore, sworn and testified as follows :

I reside in Rochester, Monroe county; I have been in the employ of the State since 1852.

Q. Continuously up to what time? A. Until last August.

Q. Were you at any time employed by Mr. Lute? A. Yes, sir; I was employed while he was there.

Q. When did you first make the arrangement to work for the State? A. I don't recollect the year; he was appointed in the spring of 1877, and continued to be superintendent until the appointment of Wilber; I worked for Lute on the canal in 1878, at \$80 a month.

Q. Down to what time did you work in the winter of 1879? A. I worked until the 31st of March, 1879.

Q. Did you work during the months of December, January, February, and March? A. Yes, sir; I was paid up to the 7th.

Q. Up to what time was you paid? A. Up to the 7th of December.

Q. Was you ever paid by anybody for the four months' work except the seven days? A. No, sir.

Q. What did you do during that winter? A. I took care of the canal and State property; took care of the scows; watched the feeder banks; I helped to hoist the water, shovel snow off the bridges; I lived in the State yard; I had the keys of the yard up to the time I got sick in April.

Q. Were you at any time discharged by Lute? A. No, sir.

Q. On the 31st of March was you discharged by anybody? A. No, sir; he come and took the keys away.

Q. During these four months you performed the services which you have stated? A. Yes, sir.

Q. Did you have charge of the scows? A. Yes, sir; I had charge of them and kept them from sinking.

Q. Is the canal kept full through the winter, in the city of Rochester? A. Yes, sir; from the Brighton lock; there is nearly five feet of water for supplying men with ice; there is what is known as the wide water east and west of Rochester; that is kept for ice for parties in the city; I have been in the employ of the State since 1852.

Q. Have you lived in this place since that time until last winter? A. I lived in this place fourteen years; my duties have been the same during the winter; in the summer I used to see to bridges, and have taken care of them.

Q. You had all the State property about Rochester, in your charge? A. Yes, sir.

Q. Have you been in the habit of repairing locks when the water is in? A. Yes, sir.

Q. Why did they refuse to pay you? A. I don't know, except Mr. Lute was afraid of Mr. Clark; I asked Mr. Clark for my pay, and Mr. Clark showed me a letter that Peck wrote him; Mr. Lute has never discharged me in any way; he told me that his orders were to keep Patchen and myself all winter; I cannot read and write.

Cross-examination :

Q. When did you commence work by the month under Lute? A. I forget the date; Lute agreed to pay me \$30 per month; I haven't been paid since the 7th of December; I have been paid for opening these man-holes, after the 31st of March; I could not tell you how much I was paid.

Q. From the 7th of December, 1878, up to the last of March, 1879, what was the nature of your work? A. I took care of every thing, tools and State scows.

Q. What did you do with the State scows? A. Kept them from sinking; I took care of the ice-breakers, weigh-locks, and took care of the tools; shoveled snow off the bridges, watched them, and watched the feeder bank; in high water I used to go every day and see to it.

Q. Have you any idea how much you was paid for opening these man-holes in March or April? A. I think I was paid \$20, but I am not sure.

Q. When was that? A. I think Mr. Fish told me to get my time and put it in, and he would pay me for this work; Mr. Lute paid me \$11 out of his own pocket that Mr. Clark would not allow.

Q. You said that Lute lied to Mr. Clark? A. He lied to Mr. Clark in my presence; I understood him to say that he didn't say this; when I told Clark what Lute said, I told Clark that he said, that he would keep me and Patchen all winter; I told Clark that Lute had told me that Clark had told him to keep me in there, and Clark asked me where Mr. Lute was, and Mr. Clark called him in, and I think Lute denied that he said that Clark had said he would keep me.

Q. Wasn't you discharged in December, from this work by the month? A. No, sir.

Q. Didn't Lute say any thing to you about stopping your work by the month? A. No, sir.

Q. How many days did you charge for, after the 7th of December, 1878, up to the last of March? A. I don't know, I was always paid by the month; I was paid \$30 before, all through the winter; I was not paid at this particular time; I have been paid for opening man-holes; I performed the same services in 1878 and 1879, that I had performed in years before.

Jared Patchen sworn and testified as follows :

I reside in Rochester; I have resided there forty-two years; I am a carpenter; I have been employed on section nine for the last twelve years, until last spring, as carpenter; I am called the State carpenter; I know the claimant and have known him about twenty-five years.

Q. During the years 1877 and 1878, and part of 1879 John Lute was superintendent? A. Mr. Lute was appointed in 1878, and I believe was superintendent down to a few days ago.

Q. From December, 1878, until March, 1879, where did Mr. Moore reside? A. In the State yard.

Q. Where was your office? A. In the State yard, in the same yard.

Q. What did he do during that winter? A. He took charge of the State property and done most every thing. He took care of the scows, ice-breakers, weigh-locks, State yard and tools. He had charge of every thing that belonged to the State. It was a sort of headquarters of that part of the State, and every thing was under his charge.

Q. Have any thing to do with the water? A. Yes, sir; and cleaning bridges. He assisted me in putting in timber and getting it out.

Q. Was he employed there all the time? A. I suppose so; he was there all the while.

Q. For how many winters has he been engaged to labor in the same way to your knowledge? A. I guess for the last fourteen or fifteen winters.

Q. Were his duties the same as they had been for the last twelve or fourteen winters? A. Yes, sir.

Q. Did you hear any conversation between him and Lute? A. Yes, sir; in December.

Q. What was it? A. He stated in the office that Clark had told him to let all the employees go on section nine, but Moore and myself.

Q. Was Moore ever discharged to your knowledge? A. Not as I know of. Subsequent to that conversation he continued to perform these services.

Claimants rest.

B. S. W. Clark, sworn for the State and testified as follows:

Q. You were superintendent in the years 1878 and 1879 and up to some time in 1880? A. Yes, sir.

Q. Do you know any thing about this Moore claim for work done in December, 1878, and January, February and March, 1879? A. Yes, sir.

Q. Was Mr. Lute section superintendent on number nine? A. Yes, sir.

Q. Do you know that Mr. Moore was engaged there by the month? A. He was engaged up to the 7th of December by the month.

Q. Why wasn't he continued by the month after that?

[Objected to. Counsel for the State proposed to show that Mr. Clark instructed Mr. Lute to discharge this man, and withdrew his authority from Mr. Lute to employ him any further. Admitted.]

A. I was at Rochester the last days of November or first of December with Mr. Peck. We went up to the yard with Lute and consulted as to the number of men that we should retain; we decided that we should keep one west of Rochester and one east, and the rest discharge, and so told Lute. For fear there might be some misunderstanding I directed Mr. Peck to write him to that effect. I have Peck's letter in my pocket saying that he wrote him on the 5th of December.

Q. Mr. Lute was present when this decision of yours in regard to the employment of men was announced? A. Yes, sir; I told Mr. Lute — he wanted to keep more, and I told him I didn't think there was any necessity to keep more and I wouldn't do it.

Q. Do you remember the date of that? A. It was in November — it was before the canal closed. Either the last days of November, or first days of December.

(Showing bill.)

Q. Was a bill presented to you for services of Mr. Moore, some time in April? A. Yes, sir.

Q. Will you read the items of that bill? (The witness read the bill above referred to and which is hereto annexed, marked "A.") A. He has got the bill dated December 9, 1879. It was in 1878 the labor was performed.

Q. Is that bill sworn to? A. The bill is sworn to the 14th day of April, 1879. It is signed James Moore, Sr. It is signed by a mark, and witnessed by Raines, commissioner of deeds. That bill I paid.

(Showing bill of April, 1879, hereto annexed and marked "B.")

Q. Do you remember that? A. Yes, sir; two and one-half days' labor cleaning office and removing furniture.

Q. Who did you pay that bill to? A. That was paid through the assistant superintendent. That covers the same time in which he claims from the State.

Cross-examination:

Q. You refused to pay Moore? A. Yes, sir. He claimed to have done some work; I told him to make out the bill and if it was correct I would pay it; afterward I decided I would pay that bill and no more, because I hadn't employed him.

Q. You refused to pay him for this four months' work? A. I don't know that he ever made application to me directly; I knew he made the claim. He claimed to have done this work that that bill covers.

Q. Didn't you make this statement to him, that if he would make out a bill for what time he would say he was actually employed, you would pay him so much? A. I don't know that I ever told him that; I had several conversations.

Q. This was made up after this conversation? A. I cannot say as to that; it seems to have been paid in April.

Q. He claimed to have worked the four months, at \$30 a month? A. He didn't make the claim to me; Mr. Lute claimed that he was employed for a portion of the time; I don't remember that he presented a bill.

Q. Didn't he present a bill to you in Fish's office, and didn't he ask you for the pay for this four months' work? A. I don't remember that he did, and I don't think he did.

Q. You generally understood that he did claim this four months' pay? A. I understood, up to the 16th of January, that Lute claimed to have employed him; on the 18th of January I wrote to Lute that he must not pay him as I would not allow it.

Q. Have you got that letter? A. Yes, sir.

Q. Do you know that Lute received it? A. I could not say that he did.

Re-direct:

Q. You refused to recognize him as working at \$30 a month? A. Yes, sir; that was before the end of the period for which he claims.

Q. You refused to recognize him after the 7th of December, as working at \$30 per month? A. Yes, sir.

Q. And when he claimed he had done work, you proposed, if he had done work, if he would make out the bill of the time you would pay him? A. Yes, sir.

Q. And then this bill came? A. Yes, sir, and it was paid. It was paid by Mr. Fish.

By the COUNSEL FOR THE CLAIMANT:

Q. Did you ever discharge him? A. No, sir, I didn't.

James Moore, claimant, recalled and further testified:

Q. Did you ever present a bill to Mr. Clark, or ever claim from any one your pay? A. Yes, sir, I presented a bill to Mr. Clark, in Mr. Fish's office, and he said he would not pay it. Mr. Fish was on the outside of the office.

Q. Tell how that amount come to be made? A. Mr. Clark told me to give day and date, and he would pay me for the number of days. He refused to pay me any more; I made up the bill; I had no book—I never kept track of my time, because I had always been paid by the month; he refused to pay me by the month, and told me if I would pick out some days he would pay me; that I made up, and that is all I have been paid for those services.

Q. That is all you ever got for all those four months' services? A. Yes, sir.

Q. Was you ever paid for your general charge of the yard—taking care of the bridges? A. No, sir.

Q. That portion he entirely refused to pay? A. Yes, sir.

Q. Who made out that bill for you? A. I think it was Mr. Lute's clerk, E. Raines; Mr. Mandeville was clerk for Lute. Mr. Mandeville or Raines made out the bill; Mandeville was in Fish's office; they asked me what work I done and I gave them the amount.

Q. You swore to it before Raines? A. Yes, sir.

Q. Did Raines read it over to you? A. He said there was so many days; he figured it up and I swore to it.

EXHIBIT "A."

State of New York, Section No. 9, Erie Canal, to James Moore, Sr., D.
1879.

Dec.	9.	To 1 2-8 days moving scows and fastening for winter, 80 cents.....	\$1 00
	11.	To 1 2-8 days blocking up swing bridges for winter, 80 cents, ...	1 00
	13.	To 1 2-8 days greasing scales and closing weigh-lock, 80 cents	1 00
	16.	To 1 2-8 days removing obstructions from feeder gates, 80 cents... ..	1 00
	17.	To 1 2-8 days removing obstructions from feeder gates, 80 cents.. ..	1 00
	27.	To 1 2-8 days cutting ice and moving out scows from weigh-lock, 80 cents.....	1 00
	28.	To 1 2-8 days cutting ice and moving out scows from weigh-lock, 80 cents.....	1 00
Jan.	2.	To 1 2-8 days cleaning gates at head of feeder, 80 cents	1 00
	3.	To 5-8 days moving timber for lock gates, 80 cents, ...	50
	4.	To 1 2-8 days removing snow from bridges, 80 cents, ...	1 00
	15.	To 5-8 days moving timber for lock gates, 80 cents, ...	50
	21.	To 1 2-8 days stopping leak at eastern wide water, 80 cents	1 00
	29.	To 1 2-8 days closing gates at head of feeder, 80 cents	1 00
Feb.	3.	To 5-8 days moving timber for lock gates, 80 cents, ...	50
	8.	To 1 2-8 days pumping out State scows, 80 cents.. ..	1 00
Mar.	12.	To 1 2-8 days raising feeder bank, 80 cents	1 00
	13.	To 1 2-8 days raising feeder bank, 80 cents	1 00
	14.	To 1 2-8 days assisting engineers on feeder bank, 80 cents	1 00
	18.	To 1 2-8 days opening waste pipes in aqueduct, 80 cents	1 00
	19.	To 1 2-8 days opening waste pipes in aqueduct, 30 cents	1 00
	20.	To 1 2-8 days opening man-holes, through city, 80 cents	1 00
	29.	To 5-8 days clearing swing bridges, 80 cents	50
	31.	To 1 2-8 days loading lock gates at State yard, 80 cents	1 00
			\$21 00

Received from B. S. W. Clark, Superintendent of Public Works:
Twenty-one dollars in full of the above account.

Dated ROCHESTER, April 14, 1879.

^{his}
JAMES X MOORE, SR.
mark.

Witness: EUGENE RAINES.

STATE OF NEW YORK, }
County of Monroe, } ss.:

James Moore, Sr., witness, of Rochester, in the county of Monroe, being duly sworn, saith that all the items in the annexed account are correct, and accrued at the dates respectively as stated therein; that no part of the same, or any item therein, is charged at more than its fair value; that it is a just claim against the State of New York to the amount of \$21 specified therein; that no part thereof hath been included in any former bill rendered against the State; that there are no legal or equitable offsets against the same; that the same, or any part thereof, hath not been paid to this deponent, or any other person, by or in behalf of said State, to the knowledge, information or belief of this deponent; that this deponent is the lawful owner of such account and entitled to the payment thereof. And further, that all the labor charged therein has been applied upon the works and to the benefit of the State, and that all the property charged therein has been delivered to the duly authorized agents of the State, and, according to the best of the knowledge, information and belief of this deponent, used for the benefit of the State, by or under the direction of one of the authorized agents thereof; that no commissions, presents or profits have been paid by him or any person in his behalf, or agreed to be paid in the future by him or by any person or friend for him.

^{his}
 JAMES x MOORE, SR.
 mark. *

Witness.

EUGENE RAINES.

Subscribed and sworn to before me, {
 this 14th day of April, 1879. }

EUGENE RAINES, *Com. of Deeds.*

EXHIBIT "B."

State of New York, Section No. 9, Erie Canal, to Jas. Moore, Sr., Dr.

No. 18.

April, 1879.

To two and one-half day's labor, cleaning office and moving furniture, 90 cts.....	\$2 25
---	--------

Received from B. S. W. Clark, Superintendent of Public Works on the canals, two dollars twenty-five cents, in full of the above account.

Dated April 17, 1879.

^{his}
 JAMES x MOORE, SR.
 mark.

Witness:

EUGENE RAINES.

STATE OF NEW YORK, }
County of Monroe. } ss.:

James Moore, Sr., of Rochester, in the county of Monroe, being duly sworn, saith that the number of days' labor charged in the above account is correctly stated, and was actually performed by him for the

sole benefit of the State, under the direction of the aforesaid Superintendent of Public Works, and that the sum of \$2.25, the amount charged therefor, is justly due him.

Subscribed and sworn to before me, } ^{his} JAMES X MOORE, SE
this 17th day of April, 1879. } _{mark.}

EUGENE RAINES, *Com'r of Deeds.*

Testimony closed and case submitted for decision.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, on Friday, March 12, 1880:

PRESENT — Joseph B. Carr, Secretary of State; James W. Worth, Comptroller; Nathan D. Wendell, Treasurer.

In the Matter of the claim of James
Moore
agst.
The State of New York.

On motion, ordered that the claim of James Moore for labor upon the Erie canal at Rochester be disallowed.

No. 9.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, on Wednesday, February 11, 1880:

PRESENT — Joseph B. Carr, Secretary of State; James W. Worth, Comptroller; Nathan D. Wendell, Treasurer — members of the Board.

No. 144.

In the Matter of the claim of David
Hurlburt
agst.
The State of New York.

Claim for work done on the Normal School at Geneseo; amount claimed, \$2,052.

CLAIMANT'S STATEMENT.

To the State Board of Audit:

Statement of the claim of David Hurl-	}
burt	
agst.	
The State of New York.	

In the winter of 1874 and 1875, appropriations were made by the Legislature, for the benefit of the Normal School at Geneseo, for the purpose of additional buildings.

The trustees advertised for sealed proposals for building such buildings, which were received by the building committee of such board of trustees, on the 11th day of August, 1875, as follows:

David Hurlburt (claimant).....	\$14,988 00
John Fiest (irresponsible).....	17,475 00
John Vickers.....	17,680 00
John Reynolds & Son.....	18,000 00
James Wagstaff.....	18,600 00
J. E. Ketchum.....	20,000 00

The bid of David Hurlburt, claimant here, in being \$2,487 less than any other, and \$2,692 less than that of the next lowest responsible bidder, was accepted and a contract entered into between the said building committee and said Hurlburt in accordance with specifications furnished by said building committee.

Hurlburt is an uneducated man and although he has built a great many public buildings, has always had to hire somebody to calculate the amount of materials called for in any specification.

In this case he took with him to Geneseo, on the day the contract was let, two competent men to make such calculation.

These men made a mistake in calling off the various figures constituting the dimensions of the new building and gave to Mr. Hurlburt figures as the result of their calculation, in which the amount of brick was 80,800 less than the specifications called for, which extra amount of brick was worth \$1,212.

If this quantity of brick had been included in the computation of Hurlburt's accountants, his bid would still have been \$1,125 less than that of the next lowest bidder, and \$1,330 lower than that of the next lowest responsible bidder.

In ignorance of this mistake, Hurlburt commenced the job, and only discovered the mistake when the foundation walls had all been laid and his men had commenced the brick work.

Prof. Milne, the principal of the said Normal School, called Hurlburt's attention to the thickness of the brick walls. Hurlburt's copy of the contract called for walls of the thickness his workmen were building, but when Hurlburt found that the original contract called for walls of greater thickness, he completed the building according to the original contract.

\$1,212. The first item of this claim is for \$1,212, the cost of the additional brick, so put into the Normal School building; and no claim

is made for the labor of putting in said brick, or for anticipated profit from said labor.

Second.

Hurlburt had procured all of the cut stone for the cornices in said building, of a size proportioned to the thickness of the walls, as his contract of the contract called for them, before he discovered the mistake. After discovering the said mistake, he was compelled to and did procure new cut stone for said cornices, at an expense to him of \$135.

\$135. The second item of this claim is for said \$135.

Third.

The specifications, on which the bids were made, and the contract signed, provided for a cross-wall in the foundation, twelve feet high, to be of *field stone*.

Before such cross-wall was completed, the building committee came to the conclusion that such a wall would not be strong enough and there were added to it a "binder" of flat stone, and under their direction Hurlburt added a layer of flat stone, three feet wide and one foot thick, through the center of said cross wall. The stone was procured by Hurlburt at an expense of \$105.

\$105. The third item of this claim is for \$105, the *actual cost* of the extra stone, so used, without any claim being made for extra labor in putting it in, or loss of anticipated profits in building said wall.

Fourth.

When the contract was let, it was understood that payments could be made thereon regularly and promptly, as set forth in said contract, and the bids were offered on the basis of cash purchases of all materials.

The Comptroller did not furnish the money in time to make the payments as provided in the contract, and Hurlburt was compelled to and did hire money with which to make purchases of material, and pay off his hands.

The amount of loss thus sustained by him exceeded \$600.

\$600. The fourth item in this claim is for \$600, amount of loss and delay in payments under the contract.

The total claim herein presented is \$2,052, which Hurlburt claims should be allowed him with interest.

This claim was presented to the ways and means committee of the Assembly last March, and Mr. Wadsworth, a member of that committee, and Mr. Halliday, another member, stated to Hurlburt's attorney, that the claim would be allowed, and that it was considered by such committee a just and equitable claim against the State. Hurlburt's said attorney also conversed with Senator Loomis of the finance committee of the Senate, who also stated that he would be in favor of allowing the claim if reported favorably by the ways and means committee of the Assembly.

After Hurlburt's said attorney had returned home, and just before the adjournment of the Legislature, Mr. Wadsworth wrote said Hurlburt's attorney, that Mr. Alvord, chairman of the said ways and means committee, was of the opinion that this claim should go before

the Board of Audit; that he would insert the same in the report of his committee, if it was insisted upon, but that his advice was to have the same withdrawn from the committee and presented to the said Board of Audit. Under said advice the claim was withdrawn from the committee, and no action taken thereon.

The only evidence to be offered by the claimant will be the testimony of the claimant, David Hurlburt, one of the accountants, Ephraim S. Kellogg (the other one being dead), the members of the building committee of the board of trustees of the Geneseo Normal School, viz., Prof. Wm. J. Milne, Dr. W. E. Lauderdale and Col. John Roreback; also the contracts and specifications relating to the said building.

W. A. Sutherland, of Mt. Morris, N. Y., is the attorney of the claimant.

LIVINGSTON COUNTY, ss.:

David Hurlburt, being duly sworn, says that he is the claimant named in the foregoing claim; that the foregoing statement of deponent's claim is in all respects true, to the best of deponent's knowledge and belief.

DAVID HURLBURT.

Sworn before me, this 19th }
day of December, 1878. }

HATHORN BURT, *Notary Public.*

Indorsed: "Filed Dec. 28, 1878."

STATE BOARD OF AUDIT,
OFFICE OF THE SECRETARY OF STATE, }
ALBANY, N. Y., February 11, 1880.

In the Matter of the claim of David
Hurlburt

agst.

The State of New York.

Wm. B. Ruggles, First Deputy Attorney-General, Counsel for the State; Wm. A. Sutherland, Counsel for the Claimant.

Ephraim S. Kellogg, having been duly sworn in behalf of said claimant, testified:

I reside in Mt. Morris, Livingston county; I know David Hurlburt, claimant in this case; I knew George H. Sommers in his life-time; he died in the fall of 1876; I have been in the habit of performing mathematical calculations for Hurlburt; he has called upon me to furnish figures; I went to Geneseo with him in reference to the Normal School building; that was in the spring of 1875; I went in August, 1876. I went with George H. Sommers and Hurlburt; Mr. Sommers gave me the figures to figure upon; he gave me the dimensions; he stated them

from the specifications; Mr. Sommers held them in his hand, and found that I made the computation, the amount of material, and computed the brick and stone work, and all the materials for the building.

Q. Did you examine the specifications yourself? A. I did, I looked over the specifications with him; I saw them as he read them to me.

Q. Did you discover anything out of the way when he read the figures to you? A. No, sir.

Q. Was there any thing afterward, which called your attention to any irregularity about those figures? A. About a month after I made those figures, Mr. Hurlburt came to me and told me that there had been a mistake; I made a computation of the amount of brick. I found the figures which I had made originally and compared with the specifications. I found where it said 16-inch wall, it should have been 20, and where it said 12-inch, it should have been 16, which made a difference of four inches, and from that I computed the number of brick for a four-inch wall, and found it to be 80,800, as the exact amount.

Cross-examination :

Q. Did you have the specifications before you in the contract at the time of making this computation, the first time? A. Yes, sir.

Q. These specifications were annexed to the contract that had been signed; this was at the time of the proposals? A. Yes, sir.

Q. You had the proposals before you at the time this computation was made? A. Yes, sir, he had the specifications and would read them to me; there was no mistake in the proposals in regard to the amount of, or thickness of wall.

Q. The proposals plainly called for 20-inch wall? A. Yes, sir. Sommers gave me the figures; I did not examine the specifications myself; Sommers held the paper and he read it off as a 16-inch wall. Sommers was there at the request of Mr. Hurlburt, and I was there at the request of Hurlburt.

Q. You have made a calculation as to the amount of brick necessary to make up this difference between a 16-inch and 20-inch wall? A. Yes, sir; and the amount of brick is 80,800.

Counsel for claimant produced duplicate of original contract with the exception that the figures "16" and "12" appear where they are "20" and "16" in the original.

Conceded by the counsel for the claimant that by the terms of the original contract the building was to be constructed of 16-inch 20-inch wall.

David Hurlburt, sworn in his own behalf, testified:

I reside in Mt. Morris, Livingston county, this State; I am a mason and contractor; I have resided at Mt. Morris and followed that business for thirty-five years; I have had considerable experience in building public buildings; I have built two asylums in Genesee, before the building of the Normal School building, and one since erected the asylum last year under the supervision of the board.

supervisors of Livingston county; I erected a couple of stores for Sheriff Youngs; it was after the Normal Chapel was built; I am now in consultation with reference to building the Presbyterian church in Geneseo.

Q. What is your practice in making up proposals for the erection of buildings? A. I am not very much of a figurer; generally get some one that is competent, and when I get the quantities that it takes for a building, I know what I can do it for.

Q. Do you, in each instance, rely upon the figures of some one else? A. Yes, sir; always.

Q. Have you employed Mr. Kellogg upon more than one occasion? A. Yes, sir; several.

Q. Did you ever have any difficulty upon any other occasion except this? A. No, sir.

Q. In August, 1875, did you have any thing to do with the building of the Normal Chapel in Geneseo? A. Yes, sir; there were proposals advertised for building it.

Q. What did you do with reference to the proposals? A. I got the plans and specifications six miles from where I live; I went there with Sommers and Kellogg; Sommers is a carpenter, and had been a boss builder; he had been in my employ; was not at this time, but was afterward; I went to Geneseo and got the plans from Mr. Rorbach; he was one of the building committee and trustees of the Normal School; Mr. Sommers made the measurements from the plans and specifications, and Kellogg done the figuring; I was there at the time; I saw it all done; Mr. Kellogg then announced the result of the figures; I then told them at what prices I could do the work—I told Kellogg and Sommers; they figured up the amount, and I put in a proposal for the job; I could not tell whether it was Kellogg or Sommers made out the proposal; it was one of those two; after Kellogg gave the amount of material, I told what I could furnish it for; I was present when the proposals were opened, and it was found that mine was the lowest; the difference between mine and the next highest was somewhere about \$2,400, if I recollect right; my bid was accepted by the board of trustees at \$14,988, and the work commenced immediately upon the building.

After the excavation, I commenced to put in the foundation which was to be of flat stone, except the bottom portion; the stone that laid on the surface were to be large stone; when we got the wall half way up, one of the trustees and myself were talking the matter over, and we calculated that it was not safe to build so large a building upon flat stone without piers; it was about twelve feet high; the trustees met and calculated that it was necessary to put a course of flat stone on the outside wall all around, and told me to put them in, and they would do what they could to help me get my pay; Professor Milne, Dr. Lauderdale and Mr. Rorbach were the building committee; I put in a binder three feet wide and one foot thick, around the entire course of the building; I procured the stone myself, and put them in at my own expense; the expense was about three dollars per yard; I purchased the stone in the quarry and paid two dollars a yard for it; it was necessary to draw stone about four miles; that was the nearest point; that was the lowest price I could get them at; they were in a

deep gulley where a road had been made and dug along a side hill ; paid for teams, three dollars a day ; the team drew about two yards of stone a day ; I did not put in a claim for extra laying, or extra cost of stone ; I have not been paid for those flat stone ; after putting in the binder, I commenced to lay the brick wall ; we got ready to commence laying brick just about quitting time in the evening and some question arose between Professor Milne, as one of the building committee, and Mr. Sommers, the carpenter who was employed in the construction of the building ; I was not present ; I heard of it the next morning ; the building committee requested me to stop into the office of Professor Milne ; I went in and Mr. Rorbach said somebody had changed those figures ; I asked him in what respect and he said in regard to the thickness of the wall ; I told him I never had seen any thing on the specifications I had, where the figures were changed. I went and got the specifications that are here now and Professor Milne said that it showed all right on this, but, he said, the original contract, it was a 20-inch wall, and a 16-inch wall, and I wanted to know what I proposed to do ; he said there had been a change on the original contract by somebody ; that was the fact ; it was plain to be seen ; the figure "20" had been changed to "16," and the "16" to "12" ; I told him it was new to me, I never had seen it.

Q. Did you ever hear about those figures before ? A. No, sir.

Q. Had you any knowledge, or information, or suspicion before that time that there had been such change ? A. No, sir.

Q. Had you any knowledge or information that the figures given you by Kellogg were not the figures called for by the specifications ? A. No, sir ; that was the first intimation I had of any thing of that kind ; the building committee asked me what I proposed to do. I told them if there was any thing on my part, I should do what they said to do. They said they should insist upon having the wall built 20-inch, and 16-inch, and if I would put it up they would pay what they could with the State to get my pay. They said they had no jurisdiction to use any subscription or money invested in normal schools.

Q. They claimed they could not make good the loss ? A. Yes, sir, but they said if I completed the building they would aid me to get my pay ; I would not have put in any such bid if I had known what the figures were ; I stated that to them, and they said they thought I was correct.

Q. Did they express any opinion in regard to the occasion of such change ? A. Yes, sir ; they said they thought I was entirely innocent and was satisfied I was, and that I did not know any thing about it. I went right along and completed the building. I put in a 20-inch and 16-inch wall ; where my copy called for 16-inch, I made it 20, and where it called for 12, I made it 16-inch ; of course I had to make an extra kiln of brick ; I put it through, got the earthen on and closed before the storms. I furnished the 80,800 brick at my own expense.

Q. What was the cost to you of putting in the extra brick ? A. It cost me about \$15 per thousand.

Q. Was that the estimated cost upon which you made the original figures ? A. Yes, sir. The drawing to Genesee was more expensive.

Q. Was there an additional expense about making the brick? A. Yes, sir, but it was a trifle.

Q. What is the first cost of brick at your yard? A. Eight dollars per thousand at that time, and the expense of drawing to Geneseo was \$2 a thousand, and the balance is the estimated expense of putting in the building.

Q. Does the estimate include profits for yourself? A. Yes, sir, but I have figured it down.

Q. And it is contained in the odd \$5 a thousand for putting the brick in the wall? A. Yes, sir. The brick are worth \$8 a thousand there to-day.

Q. Have you ever been paid for the additional brick? A. No, sir.

Q. In regard to the payments made on this contract, what was there about that? A. There was about (\$9,000) nine thousand dollars that was paid, and the balance was not.

Q. When was the last \$800 paid? A. I think somewhere in January, 1876.

Q. When was the next payment made to you? A. There was another payment made in June of \$2,000.

Q. When was the next payment made? A. The next was not paid until the taxes were collected—in the neighborhood of a year—making the final payments a year afterward.

Q. Was there anything done about the cut stone in this Normal building? A. Yes, sir, the stone had to be wider; the stone between the pilasters were not wide enough for a 16-inch wall; also the door sills; I changed them; the stone dealers in Rochester took them back and let me have wider ones; it made an expense of \$135 difference that I had to pay; they took them back and they furnished others; I paid the difference in value; I have not been paid for that.

Cross-examination:

Q. Where was this contract signed? A. In Mr. Rorbach's store.

Q. Who was present at that time? A. Prof. Milne, Dr. Lauderdale, Mr. Rorbach and myself.

Q. Did you have anybody with you, Mr. Sommers or Kellogg, at that time? A. I could not say; Mr. Kellogg was not there, but Sommers might have been there.

Q. How long was that after you had put in your bid, and the bid had been opened? A. I should think some three or four days; not over that—no, sir, I am mistaken; the contract was signed at Mt. Morris by the building committee, at H. E. Brown's Bank; it was signed by me there at Mt. Morris.

Q. Who was present when you signed it? A. Mr. Mills, Mr. Brown and L. C. Bingham; they were sureties on my bond; the sureties were Lucius Bingham and Dr. Mills.

Q. Where, at Mt. Morris, was the contract signed? A. In the First National Bank of Mt. Morris; the contract was read over to me; I am able to read and write in my way.

Q. Did you have any difficulty in reading the contract? A. Yes, sir.

Q. You did in fact read the contract before you signed it? A. No, sir, I don't think I did; I think Mr. Brown read it out aloud for me.

Q. Have you any recollection how he read this matter of the thickness of the wall? A. Yes, sir.

Q. How did he read that? A. He read it 12 and 16-inch wall.

Q. Is Mr. Brown at Mt. Morris now? A. Yes, sir.

Q. What is his business? A. Cashier of the bank.

Q. You say he read that contract for 16-inch and 12-inch wall before you signed it? A. Yes, sir; I didn't know at that time any thing about any other thickness of wall; it was a long time after.

Q. Why didn't you make it 16 and 12 inch wall? A. It was very plain to be seen on the original, it had been changed.

Q. Changed when; had been changed before you signed it? A. I could not answer the question; I saw the original contract we had figure from. After they awarded the job they went on and made the specifications and contract.

Q. Have you any means of knowing whether that contract was changed from 20 to 16 and 16 to 12 after you signed it? A. No, sir; I have not.

Q. You don't know whether Brown read the contract correctly or falsely? A. This one produced here is the one Mr. Brown read to me.

Q. You signed a different paper than the one Mr. Brown read? A. I might, I don't know, I could not say.

Q. Do you claim that Mr. Brown read the contract falsely? A. No, sir; I don't think Mr. Brown would do any such thing; he is the cashier of the Genesee River National Bank.

Q. When was this work completed? A. It was completed the next August in 1876.

Q. When did you commence it? A. I commenced it in August 1875; there were two separate contracts; I finished what I was to finish in the first contract, so they could have the exercises of the school in June; the first contract only applied to the chapel room; the second contract was to finish up the basement stories and a brick wall between the two buildings; there was an appropriation in 1875 of \$15,000, and there was another appropriation of \$10,000 the next year.

Q. What was the amount of your second contract? A. Two thousand five hundred and seventy-eight (\$2,578) dollars; under the first contract, it called for putting up the building and finishing the chapel; the estimate for brick for the wall was fifteen dollars per thousand.

Q. What was the market price for brick at the kiln at that time? A. Eight dollars a thousand, and it cost two dollars a thousand to get the brick to Genesee.

Q. In what manner did you pay the workmen for putting the brick into the wall? A. Hired by the day.

Q. How much did you pay a day? A. I paid for first-class bricklayers three dollars a day.

Q. How much will a first-class brick-layer lay in a day? A. I will lay about 1,000 in a day, sometimes a little more, and sometimes

less; that is what we calculate for the average; the extra two dollars is for lime, sand and tenders.

Q. Do you include any thing for profits? A. The way I have done is to figure up the actual expenses and then add ten or fifteen per cent for profits.

Q. This then includes something for profits? A. Yes, sir; to that extent.

Q. Do you have one tender to each mason? A. No, sir.

Q. What do you pay for laborers? A. One dollar a day; I put in common hand-made brick; the hard brick is on the outside, and the soft brick inside.

Q. What was the difference in price between hard and soft brick? A. Four dollars; it was \$6 a thousand for the soft, and \$8 for the hard.

Q. What proportion of soft brick did you have in the job? A. Not but a very little; in moving brick so far, it is to a man's advantage to burn a day or so longer to save breaking and handling when he put them in.

Q. What proportion was there of soft brick in the job? A. Judging as brick run in that country, might have been one-fourth; I was estimating the whole of the brick at \$8 per thousand.

The counsel for the claimant read in evidence the affidavit of William J. Milne, the principal of Geneseo Normal School. Marked Exhibit "A," hereto annexed.

Also the affidavit of John Rorbach, one of the members of the board of trustees of Geneseo Normal School. Marked Exhibit "B," hereto annexed.

Re-direct examination :

Q. How long after this difficulty did you continue Sommers in your employ? A. Not but a few days; I told Prof. Milne I would discharge him at once; Milne wanted to investigate the matter, and wanted a little more time.

By the SECRETARY OF STATE :

Q. Was Sommers a foreman of yours? A. Yes, sir, at that time.

Q. How long had he worked prior to that? A. He hadn't done any thing for me for a couple of years or more; he was a competent man and something of an architect himself; I don't know who altered the figures; Professor Milne stated that he was satisfied that Sommers done it.

By Mr. RUGGLES :

Q. At the time you went with Sommers and Kellogg to Geneseo, when this computation was made on which you made your bid, was it understood between you and Sommers that in case you got the job, he was to be employed by you as foreman? A. No, sir, never had any conversation with him about that; I think he expected to be, but I hadn't made any agreement.

Q. Had you had any talk with Sommers, that in case you got the job, you would employ him? A. No, sir, I expected to have had William Murray at that time.

Q. Sommers had been employed by you as foreman on other jobs before that time? A. Yes, sir, but not on all the contracts, but most of them at home, at Mt. Morris, on the bank block and on the Eagle block. I presume Sommers expected to get the job.

Q. Who furnished you with a copy of the contract? A. Colonel Rorbach.

Q. How long after you signed the original contract was this copy furnished? A. I should think it was all within a week; it was before I did any thing.

Q. Where did Sommers live? A. He lived at Mt. Morris.

Q. Was Sommers present when you signed the original contract? A. I could not say whether he was or not.

Q. What is your impression about that? A. I rather think not; I was building a reservoir opposite the bank, and the contract was signed over to Mr. Brown's bank; I told at Geneseo who I proposed to give as bondsman, and it was sent to Mr. Brown to execute; Sommers and Brown live at Mt. Morris. Mr. Rorbach lives at Geneseo.

Q. Did you see any thing of the original contract after you signed it? A. I never saw it until I got ready to go work; Sommers died in the spring of the year 1876. The figures were altered in the original contract.

By the COMPTROLLER :

Q. Into whose hands did the contract go after you signed it? A. It was sent back to Mr. Rorbach; I think I carried it back myself; Mr. Brown gave it to me to carry back, and gave it to Rorbach.

Q. Sommers had not put himself in communication with you, between the time that you took it of Mr. Brown and the time you handed it to Mr. Rorbach? A. No, sir.

Q. You are perfectly clear, in reading the contract that Brown read the figures 16 and 12? A. That is the way I understood it at the time.

Conceded that by the terms of the second contract for \$2,578, that it provided that the work should be done by the 1st day of August, 1876.

Case adjourned for further hearing to the 10th day of March, 1880.

OFFICE OF THE SECRETARY OF STATE, }
ALBANY, March 10, 1880. }

Board met pursuant to adjournment; all of the members present.

In the Matter of the claim of David
Hurlburt
aget.
The State of New York.

Proceedings continued from February 11, 1880.

John Rorbach, sworn and testified as follows :

I am one of the trustees of the Geneseo Normal and Training School, and was in August, 1875.

Q. You, as one of the trustees, made a contract with Hurlburt for constructing some portion of the Normal School building? A. Yes, sir, the chapel of the school.

Q. Have you the original contract with you? A. Yes, sir.
(The witness produced the original contract.)

Q. This is the original contract? A. Yes, sir.

The counsel for the State put the same in evidence. Copy hereto annexed, marked Exhibit "1," March 10, 1880.

Q. Where did you sign that original contract? A. I signed it by order of the trustees, as president *pro tem*.

A. At what place? A. At Geneseo, at the time the contract bears date.

Q. Were the other parties present, in signing at that time? A. I signed it. Mr. Hurlburt was present; I think he took it to Mt. Morris. It was signed by the president *pro tem*. and the secretary; Dr. Lauderdale signed it at Geneseo.

Q. That was before Mr. Hurlburt signed? A. I don't remember; my impression is it was after he signed it.

Q. Who had charge of this original contract at the time? A. I presume it was in my charge; the trustees had it.

Q. Who drew the original contract? A. The original was drawn by—the specifications drawn up by the architect; the contract itself is in my writing; I think the architect was William Marean; he prepared the specifications at my request, to be attached to the contract; the contract itself was drawn in my handwriting.

Q. Can you tell whether, at the time you signed the contract at Geneseo, it had been signed by Mr. Hurlburt, or whether he signed it afterward? A. I don't remember distinctly; my impression is that Hurlburt and his sureties signed it first; I have no recollection of their being at Geneseo, and therefore I presume that they signed at Mt. Morris.

Q. Do you know what was done with the contract immediately after you and the secretary had signed the paper; who took charge of it? A. We took charge of it.

Q. Which one of you had the corporeal custody of the paper? A. I think it was left with the secretary, but I am not sure; it is more than probable that it was left in my charge, as I had the last work upon it, namely, the execution.

Q. Do you have an office there? A. The secretary had an office; all the papers of the school are kept in his medical office.

Q. How soon after you had signed this contract was it discovered that there had been an alteration made in the figures in regard to the dimensions of the wall? A. I don't know how long; I presume about three-weeks; at any rate it was when the foundation was completed, and the contractor got ready to commence the brick work.

Q. When or how was your attention first called to the fact that there had been an alteration? A. When we saw that the wall was less than we intended and expected it to be; as soon as he began the brick wall; his superintendent, Mr. Sommers, was laying out a piece of 16-inch, instead of 20-inch wall, and then we called his attention to it immediately; I called Sommers' attention to it.

Q. What was said? A. Prof. Milne was there first and discovered it; we told him that it was not according to contract; that the contract called for a 20-inch wall, and he seemed very much confused, or insisted upon it that it was a 16-inch wall; we told him there was no use talking about such a thing; Sommers referred us to the contract itself.

Q. Did Sommers have a copy of the contract? A. Mr. Hurlburt had; I had the contract and specifications copied for his use from the original.

Q. Who wrote that copy? A. I think it was Mr. John Abbott, a young law student.

Q. Do you recollect of giving the original to this young man who was to copy it? A. Yes, sir.

Q. Can you recollect where you got the original contract? A. It would either be in my possession or Dr. Lauderdale's, up to that time, and it is more than probable that it was in mine.

Q. Can you tell about how long it was after the original was signed before you furnished this copy to Hurlburt? A. Almost immediately, within a week, because he wanted to commence work.

Q. After the wall had commenced you discovered it was too late? A. Yes, sir.

Q. Did you then refer to the original contract and examine it? A. Sommers immediately referred us — the Doctor said "this wall is not right," and I said "no, sir, it is to be a 16 and 20-inch wall." Sommers replied to me that that was what the contract called for, and I told him it was no such thing. He said I had better look at the contract. The contract was then in Dr. Milne's room; we went in there, and Sommers opened the contract and pointed to this — where the change is indicated.

Q. Did he open the original? A. No, sir, the original was there. The original was opened and he pointed to the wall. I was very indignant; I told him it was an outrage, and sent for Hurlburt immediately at Mt. Morris.

Q. What did you find when you looked at the original contract? A. I found an alteration.

Q. Will you point out the alteration? A. (*Witness referring to alteration.*) "Wall to be solid 20 inches."

Q. How much time elapsed before a copy was made, after the execution of the original? A. It was directly; the copy was made immediately.

Q. Did you ever institute any kind of investigation to find out how that contract come to be altered from 20 to 16, and from 16 to 12? A. Mr. Hurlburt was sent for; he came the next morning; we met him at Dr. Milne's office; I said to him, "David, Sommers has laid out a narrow wall, 16 inch, what does this mean?" He said that was the contract; I said, "that is not so;" I saw the contract as it appears now, but the contract was for a 20-inch wall. He said he had made all his calculations upon a 16 and 12-inch wall. I said, "how can it be possible; the contract, when you took it, was 20 and 16-inch." He said he never had seen it in that condition, never had known it to be in that condition. Our impression was that he had either altered it, or caused it to be altered, and as usual we didn't mince our words at all; we had a long talk about it; I told him unless the wall could be made as we intended it should be, that we should have to arrest the work on the contract, and allow him nothing at all for his wall. That it was an outrage upon the State and upon us. After talking an hour or so, Professor Milne and Dr. Lauderdale and I, all became thoroughly convinced that Mr. Hurlburt was perfectly innocent as to the alteration.

Q. How about Mr. Sommers? A. We were thoroughly convinced that Sommers made the alteration himself, and the more we watched him — we watched the intercourse of the two men, and Dr. Milne charged Sommers, but not in my presence, with making the alteration; he didn't deny it. Dr. Milne at one time got Sommers to make some figures, quite a long calculation, so as to get his style of figuring, and we were satisfied — I think he has those figures now — we became convinced from the figures that the alterations were in Sommers' handwriting. I have never changed my mind about it.

Q. How long did Sommers remain there after that discovery? A. Only a short time; Mr. Hurlburt soon substituted a man by the name of Churchill.

Q. Was you, in the course of your investigations, ever able to make up your mind at what time this man Sommers could have got hold of this contract to make the alteration? A. Yes, sir; I think it was done — you will find a great many alterations in that contract; we were in a hurry and should have written out new specifications; we bid for proposals, but our plans involved an expense of some \$20,000; we found we had to reduce our building and expense, and we altered the specifications and plans; Mr. Hurlburt bid at the first proposal, and Sommers took the contract to Mt. Morris before it was executed, to make his figuring upon it; they got the specifications and took it to Mt. Morris to make the new figures after we had cut down the size of the building; it was a few days before it was executed, and I presume it was altered at that time.

Q. You signed this contract for a 16 and 12-inch wall? A. Yes, sir; undoubtedly, just as it is.

Cross-examination :

Q. How long have you lived in Geneseo? A. Since 1856; I have known Hurlburt a number of years; I knew him before the school was commenced, had some partial acquaintance; I resided in New Jersey and was in the practice of law there; I came to Geneseo and engaged in mercantile pursuits; I was chairman of the building committee.

Q. When your attention was called to this alteration, you caused Hurlburt to be summoned before this committee? A. Yes, sir; I talked plain with him; Mr. Hurlburt made his explanation; he stated that he made his calculations upon a 12 and 16-inch wall, and that that was the contract; I became satisfied from the appearance of the man that he was telling the truth; after that I observed his intercourse with the man Sommers, for the purpose of telling whether we had given Hurlburt credit for too much honesty; I was confirmed in the first impression and so was Dr. Milne, that Hurlburt was an innocent man. Mr. Hurlburt did finish the building.

Q. Did Sommers have any interest in this contract? A. No, sir.

Q. Do you know what motive he could have had for altering these figures? A. I do not know; I told Mr. Hurlburt that he must make the 20-inch wall; we didn't agree to pay him any thing more; we had \$15,000 appropriation.

By the COUNSEL FOR THE STATE:

Q. He put this bid in on the basis of a 16-inch wall? A. Yes, sir.

Q. And others, who were competing with him for the job, made their estimate upon a 16 and 20-inch wall? A. Yes, sir.

By the COUNSEL FOR THE CLAIMANT:

Q. What was said with reference to the compensation for the extra amount of brick? A. Of course we could not make any arrangements with Hurlburt; we claimed we were entitled to a 20-inch wall; he said he should lose money, and we said if he did not make a 20-inch wall he would lose the money he had expended upon the foundation; he went on and carried out the contract.

Q. Was any thing said about compensation from the State—any thing said about the committee assisting him to obtain compensation? A. Yes, sir; assuming him to be innocent it was suggested that the State had always acted liberally, and if he could satisfy the State as he had satisfied us that he was innocent, we thought he would have no difficulty in getting his pay; we never have asked for any other appropriation to complete this building.

Q. Was there any difficulty about making the payments upon the second contract, according to the terms of it? A. Yes, sir; we assumed that having obtained the appropriation from the State, we would get the money right along; we assumed that in respect to the first appropriation; we had difficulty about getting the first appropriation.

Q. You made the contract upon the assumption that you would get the money from the State? A. Yes, sir, and therefore we contracted to pay as the work progressed; we made our contract and had agreed to pay Mr. Hurlburt at certain times the money.

Q. There was something said about a flat stone wall? A. In order to reduce the expenses of the building, the specifications called for a basement wall to be laid up of field stone; we have no quarries; this building is on a side hill; we found as we began to lay up the basement wall, that for a large building like that, there would be a great danger in having so high a wall made of field stone, and suggested it to Hurlburt; our judgment agreed in that respect; he said it would be very unsafe, and the result might be that the building might fall down; but it was within the contract to build it, and the committee suggested that he had better get some flat stone, to put binders through the wall; he agreed to it and went to the gorge several miles from Genesee; got out some flat stone and put a course of wide flat stone all around the foundation; we never paid him for that extra stone; we didn't do it under the contract; we were not bound to do it under the contract; we did not bind ourselves; we were limited by an appropriation; we used up the appropriation.

By the COUNSEL FOR THE STATE :

Q. Didn't you exceed the appropriation? A. No, sir, not a dollar; we got an appropriation the next year

Q. The contract substantially exhausted the \$15,000 appropriation? A. The contract is \$14,988, and the appropriation was \$15,000.

Q. You understood that you hadn't the right to make a contract for that building that would exceed \$15,000? A. Yes, sir.

Q. In your talk with Hurlburt, was he notified of that fact too; did you ever intimate to Hurlburt in any of these conversations, that you had no power to make a contract for the erection of that building, that would exceed in the aggregate \$15,000? A. That was talked about; we agreed to help him get the extra compensation.

By the COUNSEL FOR THE CLAIMANT :

Q. If the means had been at your disposal to have arranged for these flat stone and deficiency of brick, believing as you did Mr. Hurlburt's innocence in this matter, would you have allowed the claim for that deficiency?

[Objected to and excluded.]

Q. Do you consider the claim brought here a just claim?

[Objected to and excluded.]

H. E. Brown, sworn for the State and testified :

Q. You reside at Mt. Morris? A. Yes, sir.

Q. In 1875 you was cashier of the Genesee River National Bank? A. Yes, sir, at Mt. Morris.

Q. Some time in 1875, at your bank, was this contract signed by Mr. Hurlburt? A. My impression is he brought that contract to me to read, and I read it to him.

Q. Do you remember of his signing it there? A. I don't distinctly.

Q. Do you remember of his signing? A. I don't remember that, He may have signed it there.

Q. Are you able to state whether, at the time you read the contract

over to Hurlburt, it had that alteration from 20 to 16, and from 16 to 12? A. My recollection would not be distinct enough to swear to. What papers he brought me I read through, that is about all I remember.

Q. You could not swear as to whether these figures were as they are now at the time you read it to him or not? A. No, sir.

Q. Was your attention ever called to the fact that this contract had been altered? A. No, sir.

Q. You never have examined this contract since that time? A. No, sir.

Q. Could you remember the erasure of the line? A. No, sir. I was in the habit of bringing the papers to me to read over, in connection with the contract.

Cross-examination :

I was civil engineer before I went into the bank ; I was in the habit of making computations.

Q. Do you remember this occasion of estimating the amount of brick that it would take to go into the building? A. Yes, sir ; but I don't remember the amount I arrived at. I have no recollection as to the quantity. I have been acquainted with Hurlburt twenty years, and during this time he has put up buildings under my charge ; I have erected the bank in which I am, and other buildings.

Q. What do you say as to his integrity and honesty? A. He has always been straight with me.

Testimony closed and case submitted for decision.

EXHIBIT "A."

Affidavit of William J. Milne, and Certificate.

STATE OF NEW YORK, }
County of Livingston, } ss.:

William J. Milne, being duly sworn, says that he is, and has been, since A. D. 1871, the principal of the Geneseo Normal School, and resides at Geneseo, in said county; that in the year 1876 deponent was a member of the building committee of the board of trustees of said Normal School, and as such was conversant with the erection of the chapel building of the said Normal School by David Hurlburt, the claimant herein; that deponent knows the said David Hurlburt, and knew George H. Sommers in his life-time; that when the foundations of said chapel building were laid, and the said Hurlburt's workmen commenced to lay the brick wall thereof, a dispute arose between deponent and said George H. Sommers as to the thickness of the said brick wall, deponent claiming that it should be a 20-inch wall, and said Sommers claiming that it should be a 16-inch wall; that said Sommers produced a copy of the contract under which the said chapel was building, that had been furnished to Hurlburt, and by which it appeared that the wall should be a 16-inch wall; that deponent, not satisfied therewith, procured from its custodian the original contract and then found that the figures had been plainly changed from 20 to 16 and from 16 to 12, so that by the said alterations the contract

called for a wall less by four inches in thickness than the contract originally called for; that deponent at once accused said Sommers of having altered said figures, and after a very careful investigation into the matter, deponent became and is convinced that the said alteration was made by said Sommers, but without any knowledge, suspicion or procurement thereof by or on the part of said Hurlburt.

That on the next morning when said Hurlburt came to Geneseo he was met by opponent and Col. John Rorbach and Dr. W. E. Lauderdale of the said building committee and this substitution of figures then pointed out to him; that said Hurlburt then and there disclaimed any knowledge regarding the matter and was advised by the said committee of their belief in his said statement; that the committee then asked said Hurlburt what he would do, to which he replied that he would do whatever was just, honorable and right; that the said committee thereupon assured said Hurlburt that in case he would go on and complete said building according to the original plans and specifications, making the said brick work four inches thicker all around than the said copy contract called for, each member of said committee would do all in his power to procure proper payment therefor from the State to said Hurlburt. Deponent further says that said Hurlburt completed his said work in a highly honorable and satisfactory manner, and is as deponent verily believes justly entitled to the relief he asks. Deponent further says that Dr. Walter E. Lauderdale is and was at the dates hereinbefore set forth, the secretary of the board of trustees of the said Normal School; that the said Dr. Lauderdale is, as deponent is informed and believes, absent from his home, to wit: on the way to the city of Mobile, Alabama, intending to be absent about six weeks; that deponent now has in his hands the official record kept by the said Dr. Lauderdale as secretary, etc., of the doings of said board of trustees; that said record book contains the account of the meetings of said board from August 9, 1871, to and including October 7, 1879; that said proceedings are therein entered in regular chronological order, and deponent believes the records thereof to be in every respect true.

That upon page 207 thereof, under date of Aug. 11, 1875, appears in the handwriting, and over the signature as such secretary, of the said Dr. Lauderdale, the following entry of bids for the building of a new chapel building for the said Normal School, viz.:

D. Hurlburt, Mt. Morris.....	\$14,988 00
John Frish, Buffalo.....	17,475 00
John Vickers, Geneseo.....	17,680 00
John Reynolds & Son, Buffalo.....	18,100 00
James Wagstaff, Rochester.....	18,600 00
J. E. Ketchum, Warsaw... ..	20,000 00

Deponent further says that the foregoing record corresponds with his own recollection of the said bids, so far as deponent's recollection extends.

WM. J. MILNE.

Sworn before me, this 4th }
day of February, 1880. }
L. O. REID, Notary Public.
[Assem. Doc. No. 8.] 15

I certify that W. J. Milne is a reputable citizen, and his affidavit worthy of belief.

J. W. WADSWORTH.

EXHIBIT "B."

Affidavit of John Rorbach, and Certificate.

In the Matter of the claim of David Hurlburt agst. The State of New York,
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LIVINGSTON COUNTY, ss.:

John Rorbach, being duly sworn, says that he resides in Geneseo, in said county, and is a member of the board of trustees of the Geneseo Normal School, and was one of the building committee thereof in the years 1875 and 1876; that deponent was well acquainted with the said David Hurlburt and with George H. Sommers, and knows of the difficulty which occurred in regard to the thickness of the brick wall of the chapel building erected by said Hurlburt; that when it was discovered by the said building committee that the copy contract furnished to said Hurlburt and the original contracts were identical, owing to a plain change of the figures in the said original, the said committee, consisting of Prof. Milne, Dr. Lauderdale and deponent, called Hurlburt before them, and stated this fact of the change of figures to said Hurlburt; that said Hurlburt then and there stated to the committee that their said statements to him were the first intimations he had had of any thing out of the way, and that any such change of figures was entirely without his knowledge or information; that the committee believed this statement to be true, and so stated to said Hurlburt, and deponent is of the same opinion still; that the said committee then stated to said Hurlburt that he must go on and finish the said building according to the terms of the original contract, making a full 20 and 16-inch brick wall; and that the committee could not pay him any thing extra for any loss occasioned thereby, as the committee could not go beyond the appropriation, but that they would endeavor to aid him in obtaining from the State such compensation for the increased price of the building, occasioned by the misunderstanding relating to the thickness of the brick wall, and for the extra flat stones put in by said Hurlburt as hereinafter stated.

That when the foundations were building, the committee were of opinion that the same would not be safe, as specified in the contract, and urged and advised said Hurlburt to lay a "binder" of flat stone through the entire foundation, which was done.

That said Hurlburt completed said building in a highly honorable and perfectly satisfactory manner, and the same, after about four years of service without repairs, seems to be in perfect condition.

Deponent further says that he verily believes the said Hurlburt to be entitled to the relief he asks. Deponent further says that soon

after the discovery of said change of figures, the said Sommers was discharged from the employ of said Hurlburt.

JOHN RORBACH.

Sworn before me, this 4th }
day of February, 1880. }

L. O. REED, *Notary Public.*

I certify that John Rorbach is a reputable citizen, and his affidavit is worthy of belief:

J. W. WADSWORTH.

EXHIBIT "1."

Contract.

This agreement made this twenty-fifth day of August, A. D. eighteen hundred and seventy-five, between the Trustees of the Geneseo Normal and Training School of the first part, and David Hurlburt of the second part:

Witnesseth, The said party of the first part in consideration of the agreements and covenants herein contained, on the part of the said party of the second part, hereby agree to pay the said party of the second part the sum of fourteen thousand nine hundred and eighty-eight dollars, according to the conditions hereto annexed and to be performed on their part, and to fully perform all acts on their part to be performed which are expressed in said conditions.

The said party of the second part hereby agrees to construct the buildings referred to in the annexed specifications, and in all respects in accordance with said specifications, as the same have been modified under the head of "errata," and in due accordance with the plans accompanying the same, which have been delivered to the said party of the second party herewith; and upon the terms and conditions also hereto annexed. All of which plans, maps, specifications, errata and conditions are hereby referred to and made component parts of this agreement, which said specifications, errata and conditions are for proper reference marked, respectively, as schedules A, B, and C.

In witness whereof the said parties hereto have hereunto set their hands the day and year first above written.

The Trustees of the Geneseo Normal and Training School by

JOHN RORBACH, *President, pro tem.*

WALTER E. LAUDERDALE, *Secretary.*

(Signed)

DAVID HURLBURT,

M. H. MILLS.

SCHEDULE "A."

1. Specifications of the mason work, for a chapel building, to be erected on the State Normal School grounds, in Geneseo, Livingston county, New York State.

2. All to be done according to the following specifications, and the accompanying diagrams.

The building to be situated twenty feet north of tower, and the front of the building to be situated on a line with the front of the main central building.

Dimensions.—All the dimensions to be made as shown and figured on diagrams.

Height.—Height of stories.

Basement story to be ten feet between joists.

Chapel story to be twenty-six feet between joists.

The figures on drawings to be followed in the construction in all cases in preference to measurement by scale.

All other heights and dimensions to be made as shown by drawings.

Excavations.—Excavation for basement to be three feet below the surface of the ground at the east end of the basement, and continue west on a horizontal plane until it cuts the surface of the ground.

Excavate the basement one foot larger all around, than the size of the building.

Trenches.—Excavation of trenches for stone foundation to be one foot below the basement bottom at the east end of the building, and two feet below the surface of the ground, at the west end of the building.

Excavations for the side trenches for stone foundation to be on a true incline from the bottom of the east trench to the bottom of the west trench.

Excavation for piers and cross walls to be on a level with the bottom of the outside wall trenches.

The earth removed in excavating to be graded off upon the lot as the building committee may direct.

The earth filled in around the wall to be pounded down solid, after the mortar becomes hard.

The bottom tier of stone foundation to be quarry stone, one foot thick, laid three and one-half feet broad, and to be grouted in solid with water-lime grout, made of sharp, coarse sand.

The corners to be laid with quarry stone.

Flat stone.—The rest of the foundation to be made of good sizable field stone, and to be two and one-half feet thick up to the under side of the basement sills, and two feet thick above that line to the first water table, as shown in the diagram of the transverse section.

The stone wall above the bottom tier of quarry stone to be faced up straight on the outside and inside pointed smooth.

To be seven frames, one foot square on the inside, with three-eighth inch iron rods set two inches from center to center, the frames to be set in the stone wall below the basement sills for ventilation, three on the north, two on the south, and two on the west sides.

Piers.—Piers to be built of good quarry stone, to be built three feet square, and built to a level with the under side of basement sills.

On the center of the piers that are to support iron columns, a cut stone to be placed eighteen inches square, and ten inches thick, for the columns to rest upon.

The bottom course of the piers to be grouted in solid with water-lime grout made of sharp, coarse sand.

To be twelve piers, and situated as shown in plan.

Cross walls.—Foundations for cross walls to be built of field stone two feet thick, and to be built to a height on a level with undersides of basement sills.

To be one cross wall across the front of the building, and three from that to the front wall as shown in plan.

All stone work to be built up straight, and plumb, in the best possible manner, and to the satisfaction of the building committee.

Brick wall.—Outside brick wall to basement to be a solid wall twenty inches thick, and to commence even with the underside of first water-table, and to be set in on water-table two inches from outside of stone wall, and to a height shown in diagram.

Outside wall to chapel story to commence top of second water table, and to be carried up to wall plate.

Wall to be a solid, sixteen inches thick to outside of pilaster, and twelve inches in between pilasters, and brick cornice as shown in elevation.

[In the original contract the figures "20" and "16" appear in the places of the figures "16" and "12," as they appear respectively in the clause last above.]

Every fifth course of brick to be a heading course.

The arches over semi-circle and segment head windows to be turned the same as the arches over the semi-circle and segment heads in present building.

Chimneys.—Chimneys to start from stone foundation, and flues to start three feet below chapel floor, all the flues to be plastered smooth to the top of chimney.

Chimneys to have a top as shown in drawing. To be four chimneys.

Furring strips.—Strips for furring, 2x8 inches, to be laid horizontally into all outside brick walls, every two and one-half feet apart, to nail the furring to the timbers, to lap one upon the other at the corners, and firmly spiked together to strengthen the corner; all to be plumbed on the inside and project one-half inch beyond brick wall. To be a 12-inch brick cross-wall across the front end of the basement, and three from that to the east end wall, as shown upon plan.

All brick to be equal to the best quality of Rochester common brick.

Mortar.—All the mortar for the stone and brick work to be made of clean, sharp sand, and the best quality of quick-lime, water-slacked.

Grout.—Grout to be in the proportion of one bushel of water lime to four of sand.

All the outside brick to be hard burned brick of a uniform color.

All the joints to outside brick walls to be struck as the joints in present outside walls in the present building.

Anchors.—To be one inch iron rods, three feet long, with one end bent at a right angle, one foot in length, and the other end furnished with a washer and nut, laid into the brick wall at the top, not more than twelve feet apart, to fasten the wall plates to the brick wall.

All to be laid to a line outside and inside, and flushed in solid.

All the brick work to be done in a thoroughly workmanshiplike manner and to the satisfaction of the building committee.

Cut stone.—To be two cut stone water tables around the building, the first four inches, and the other eight inches thick, the second water table to have a cut wash, as shown in plan of water table.

To be cut stone sills for all windows, and cut stone lintels above all doors and windows in basement.

To be cut stone steps to basement laid, and a solid foundation of field stone well laid in water lime.

Bill of cut stone.—All the cut stone to be Medina stone.

Window sills.—Eight sills four feet five inches long, five inches

thick, eight inches wide. Eleven sills three feet nine inches long, five inches thick, eight inches wide. Four sills three feet one inch long, five inches thick, eight inches wide.

Sills for corridor windows.—Four sills three feet nine inches long, five inches thick, eight inches wide.

Stone lintels for basement windows.—Six lintels three feet nine inches long, eleven inches deep, eight wide. Eight lintels four feet five inches long, eleven inches deep, eight wide. For corridor, three lintels three feet nine inches long, eleven deep, eight wide.

Water table.—One hundred and ninety-one feet 4x8 inches; one hundred and ninety-one feet 8x8 inches. For corridor, thirty-three feet 4x8 inches; thirty-three feet 8x8 inches.

Door sills.—Two seven feet six inches long, one foot ten inches wide, eight inches thick; two three feet six inches long, two feet two inches wide, eight inches thick.

Lath and plastering.—All the outside walls, inside partitions and ceilings, to be lathed with best quality of pine lath, well nailed and joints broke every six lath.

Plaster the chapel story two coats, scratch and brown coats. The brown coat to be well straightened with a straight edge and well floated down for frescoing.

Run a moulded cornice in the chapel room of the style and size shown in diagram.

The material used in plastering to be clean, sharp sand and the best quality of quick lime, water slacked. The scratch coats to be well haired.

Deafen the chapel floor by grouting in between the joists, one-half inch thick.

• CORRIDOR SPECIFICATIONS.

To be a corridor connecting the chapel building with the present main building. The corridor to pass in front of the tower and to be eight feet in the clear from the tower to the outside wall.

Excavate the basement the same depth as for chapel basement.

Stone wall to corridor.—The excavation for trenches to be on a level with the bottom of the chapel building trenches.

The stone wall to be two feet thick up to under side of basement sills and one and one-half feet thick from that line to first water table.

To be an 18-inch stone wall from the east corner of the tower to the chapel building, and built up to the under side of basement sills.

Brick wall 16 in. and 12 in.—The front wall to be a 12-inch brick wall from the second water table to the plate, and a 16-inch wall from the stone foundation to the second water table.

The ceiling in hall to be well cross-furred before lathing.

The brick water table, west and south sides of building, to be painted the color of the stone water table and sanded.

To be a wall from the west corner of the tower to the chapel building of the same height and thickness as the front wall.

The basement story to corridor to be ten feet two inches in clear.

The first story to be fourteen feet in clear.

The stone water table to be the same size and height as the water table to the chapel building.

The corridor to be plastered three coats, viz., scratch, brown and hard finish.

All the work to be done according to the plans and specifications, and in a thoroughly workmanlike manner.

The front door, steps and windows in the north and east side of tower, which are covered by corridor, to be taken out and placed in corridor.

SCHEDULE "B."

Errata.

The basement, recitation-room, drawing-room and basement to corridor to be left entirely unfinished. The said omitted parts of said specifications are marked for distinction with a cross in the margin.

GENERAL SUMMARY.

Any mason work not herein specified, and necessary to complete the work in accordance with a fair and reasonable interpretation of the drawings as to their true meaning and intent, to be executed by the contractor without extra charge.

The entire work to be executed in the best and most workmanlike manner to the entire satisfaction of building committee, or any person whom they may appoint.

SCHEDULE "C."

Conditions.

For the performance of the several works in the respective trades as set forth in and according to the accompanying specifications:

Architects.—The contractor shall and will at his own cost and charges provide and deliver every kind of new material of the best quality and descriptions, together with all necessary cartage, scaffolding, tackle, tools, labor and work which may be necessary for the proper and complete execution of said contract; and accordingly erect, build, finish and complete in a good, sound and workmanlike manner to the entire satisfaction of the said trustees and their architect, Mr. —.

The several buildings in all and every respect conformably to the specifications, drawings, dimensions and explanations thereon as herein stated and described.

And should it appear that any of the works hereby intended to be done, or matters relative thereto, are not fully detailed or explained in the said drawings, the contractor shall apply to the said architect for such further detailed explanations and perform the same as part of the contract.

The said contractor shall not bring upon the grounds where said building is being constructed any unsound and improper materials which do not fully correspond with said specifications, and not approved by the said trustees. Any such unsound or improper materials being on said grounds shall be, upon notice from said trustees or their supervising agent, immediately removed, and in default thereof the said trustees may cause the same to be removed at the expense of said contractor.

20 The trustees aforesaid to be at liberty to make any alteration in said plans, specifications and execution of said work without rendering void the contract, and in case of any difference in the expense, either in addition thereto or abatement therefrom, the same shall be adjusted between said parties in the ratio which said alterations may bear to the whole contract, and the same to be determined in case of disagreement between said parties, by their architect, but no extra whatever or additions to be admitted or allowed for unless executed under the written authority of said trustees or their proper committee, the same to have been previously determined upon by said trustees and the price fixed by said parties and the same set down in writing upon this agreement. The said contractor is to commence work on said building immediately, and is to proceed continuously with the same with the utmost dispatch compatible with the due and proper performance of his contract, and in case of frost or storm, he is effectually to cover and protect all exposed parts and openings of said building so that no damages may be occasioned thereby in any manner. All damages during the erection and completion of said work whether by frost or storm, wind or fire to be at the expense of said party of the second part who is to deliver up said building in the most perfect order ready for use, as in due fulfillment of his said contract and specifications thereof.

The contractor will not be permitted to underlet or sub-contract any part of the foregoing work to irresponsible parties, but either by himself or competent foreman is to give the whole work his especial care and supervision. The foundations and walls of said building are to be finished ready for the roofing or mansard story by the first day of December next, and the mansard story is to be fully erected and covered and the building fully inclosed by the first day of January next, and thereafter the work of finishing the same is to proceed with all prudent dispatch as the said party of the first part may order and direct, the whole work to be finished and turned over by said contractor to said trustees by the

The contractor is to give two responsible sureties as guarantors for the faithful performance and fulfillment of his contract. The said party of the first part are to make payments to the said contractor, viz. :

\$1,500 September 11, prox. ; \$3,000, October 16, next ; \$3,000, November 13, next ; \$1,500, December 18, next ; \$1,000, January 14, 1876.

Provided the said trustees may withhold any of said payments in case the said contractor has not, at the times they respectively become due, performed such an amount of work, or furnished upon the grounds such an amount of different building material as may justify said payments to be made irrespective of any suretyship connected with said contract. The balance of the said contract price remaining after the above-mentioned payments to be advanced the said contractor in due proportion with the performance of his said contract — provided as follows, that the said trustee shall, until the said building is fully completed, retain, as near as may be, at all times of payment, at least ten per cent of the work done and material furnished ; and provided further, that the said trustees shall not be required to make any payments at any time unless the wages of all persons employed by

said contractor on the erection of said building have been paid and fully satisfied, so they can have no lien upon said building or works, or trustees, for any part of said wages. The said contractor, if required, shall, at any time of payment, furnish said trustees with a proper schedule of the work done and material furnished on said grounds, and satisfactory proof of the full payment of all mechanics' and laborers' wages, so that they may judge of the propriety of making such payments.

MT. MORRIS, N. Y., }
August 25, 1875. }

For and in consideration of one dollar to us in hand paid, the receipt whereof is hereby acknowledged, and in further consideration of the several conditions and agreements on the part of the said trustees of the Genesee Normal and Training School, in the foregoing contract, we hereby fully guaranty the full and faithful performance on the part of the said David Hurlburt of all, and every, the conditions of his said agreement.

In witness whereof, we have hereto set our hands this 25th day of August, A. D. 1875.

(Signed)

L. C. BINGHAM,
M. H. MILLS.

1. Specifications of the carpenter work, for a chapel building to be erected on the State Normal School grounds, in Genesee, Livingston county, New York State.

All to be done according to the following specifications and accompanying diagrams.

Dimensions all to be made as shown and figured on diagrams.

Height of stories.— Basement story to be ten feet between the joists. Chapel story to be twenty-eight feet between the joists.

All other heights and dimensions made as shown by diagrams.

The figures on drawings to be followed in the construction in all cases in preference to measurement by scale.

Timbering.— Furnish all the timber used in the construction, of good sound square edge quality, free from any and all imperfections tending to impair its durability or strength.

Kinds and dimensions.— All the timber to be hemlock. Chapel floor sills to be 10x12 inches; Chapel floor joists to be 2½x14 inches; Ceiling joists to be 2x10 inches.

All the chapel floor joists to be gained into the sills as shown in working drawings, and set 16 inches from center to center.

Trusses.— To be six ceiling trusses.

Chapel ceiling truss beams 12x16 inches to be made of 3x16-inch plank, firmly spiked together, with 60d nails; joints broke and no two joints nearer together than ten feet, as shown in diagram of horizontal section of roof.

A 4-inch by two feet one-half inch iron plate to be spiked across the outside joints one on the top and one on the bottom edge of each joint as shown.

A 2x8 inch plank with gables cut in it, sixteen inches from center to center, to be firmly spiked on the beams, even with the under side of beams, to hold the ceiling joist.

The ceiling joist to project below the beams and sills two inches, and the joist to be sized down even with the beams and sills alternately 8x12 inches from the end of the joist, and strips 2x2 inches nailed across the beams and sills and firmly spiked to the joist with joints broke as shown in section of beam and joist in working drawings.

The main braces and truss-girts to truss to be ten by twelve inches, the truss braces to be four by eight inches.

To be a double set of truss-braces, passing clean through the trusses and meeting in the center of truss-girt and placed four inches apart.

To be a transverse single tier of braces passing between the double tier and crossing them at their centers, as shown in diagram of truss.

To be one and one-quarter-inch iron rods passing through the steps, truss-girt and beam, and firmly secured by three-inch square and one thick, solid heads on bottom ends of rods, and top end secured with large washers, threads, three inches square head and one inch thick nuts.

The foot of all the truss-braces to rest upon cast iron steps.

The bottom end of main truss-braces to be footed into the beams and firmly secured by one and one-quarter-inch rods passing through braces and beams.

Purline posts to be eight by eight inches.

Purline plates to be six by eight inches.

To be two sets of horizontal braces, four by eight inches, between each of the beams, to be gained into the beams and cross each other as shown in diagram.

To be four by eight-inch tie-beams mortised into the beams and strapped floor sills facing with the under side of beams and sills, a two-inch plate of iron to be nailed across the beams and sills and firmly spiked to the tie beams.

To be a four by eight tie-beam on top and at each end of truss-girts, extending from one girt to the other, and firmly spiked to the girts with 60d nails.

Wall plates to be two thicknesses of three by fourteen-inch plank, joints broke and firmly spiked together.

Rafters.—Rafters for steep-pitch slate roofs to be two by eight inches.

Rafters for deck roofs to be two by twelve inches, and tapered to give the pitch as shown in diagram.

All the rafters set sixteen inches apart from their centers and firmly spiked to the plates.

Joist and tie-beams to extend into the outside walls eight inches, and a two by four-inch scantling spiked across the top facing with the end of the joist and tie-beams to anchor them to the brick walls.

Ceiling beams and chapel floor sills to extend into the outside walls eight inches, and a scantling two by four inches nailed on the top and at the end of the beams and sills to anchor them to the walls.

Joists in front entrance, viz.: cloak-rooms and drawing-rooms, floors to run east and west.

Bridging.—Cut in one row of two by two cross bridging between each tier of all the joists, and firmly nail both ends of each brace with 8d nails.

Studding.—Studding for all frame partitions to be 2x6 inches, set 16 inches apart from their centers.

Framing.—Execute the framing in a workmanlike and thoroughly

substantial manner, and in strict accordance with the requirements of the designs.

Roofs.—Exterior work. Cover all the roofs with one-inch planed and matched, sound and seasoned hemlock lumber, firmly nailed to the rafters.

Case up and furnish a 2x3 foot scuttle to main deck, and provide with a tongued plank cover, hinged with strong butts and fastened with hook and staple.

Cover the steep pitch roofs with 10x20 Bangor No. 1 slate, laid over stout roof felting and laid so that each course will lap the second course below two and one-half inches, every slate to be nailed with two 4d galvanized nails.

Flashings.—To be sheet lead flashings laid into every chimney and made water tight.

Valleys and gutters.—To be 20-inch No. 26 galvanized iron in all the valleys and joints left loose and lapped six inches.

To be a 3-inch ridge roll on all the hips and ridges, and covered with No. 26 15-inch galvanized iron.

Gutters to be lined with No. 26 galvanized iron, and the iron to extend under the slate six inches above the level of the cornice seams in gutters to be well riveted and soldered.

Tin roofs.—Cover the deck roofs with 1 X bright tin, seams well soldered in resin.

Conductor pipes.—Carry the water from the gutters to the ground in 4-inch pipes made of 1 X bright tin, and secured to the building with galvanized iron hold-fasts.

To be four pipes, one at each corner.

Cresting.—Provide a cresting for deck roofs of the same style as the one on the towers of present building.

The roof of front entrances and corridor to have a railing like the one on the front entrance of present building.

Cornice.—To be a moulded cornice as shown in working drawings.

Soffit to cornice to be ceiled with seven-eighths inch narrow seasoned pine ceiling, free from shake loose knots and other imperfections. Cornice to be provided with sawed brackets of the style shown in drawings.

Outside steps.—To be two flights of outside steps to chapel floor with wrought iron stringers the same style as the steps to the present building.

Outside step treads to be one and one-half inch oak. Outside step risers to be one and one-fourth inch oak.

Windows, window frames, sash and glass.—All the window frames to be of the size and style shown in drawings. Jambs of the chapel room window frames to be made of sound and seasoned two inch plank. All the frames to be box frames for weights. The jambs to all the rest of window frames to be one and one-half inch thick sound and seasoned pine. To be double windows in front as shown in drawing. All frames set as shown on plans and elevations.

Sash.—All the sash except the basement window sash to be one and six-eighths inches thick counter check sash.

The basement window sash to be one and three-eighths inch counter check sash.

Glass.—All the glass to be first quality of double thick American glass.

All the sash to be hung with round cast iron weights and cotton sash cord.

Bill of windows.—Chapel story windows. No. 11. Eight lighted windows with 20x51 glass semi-circle tops; No. 4. Eight lighted windows with 16x30 glass, segment head; No. 2. Eight lighted windows with 12x26 glass, semi-circle heads; No. 4. Eight lighted windows 16x24 inch glass, semi-circle heads, and the remaining two of just said sized windows for the end of drawing rooms.

Eleven corner windows, eight lighted 16x21 lights; two set triple windows for center of first and north side, of style shown in drawings.

Windows.—Basement story windows. No. 6. Four lighted windows, 16x32 glass, square tops; No. 11. Four lighted windows, 20x32 glass, square tops.

Floors.—Lay all the floors with narrow 1 1-4 inch sound, seasoned, matched and planed pine flooring free from all shake loose knots and any other imperfections.

Smooth off the floors after laying where required to reduce them to a uniform thickness.

Deafening.—Lay a deafening floor of hemlock between the joists of the chapel-room floor.

The floor to be laid on 1x2 inch strips, firmly nailed on the center of the joists.

Furring.—Cross-fur all the outside brick walls with 1x2 inch hemlock strips set sixteen inches from their centers.

Basement, drawing-rooms and recitation-room behind corridor excepted.

Partitions.—Set all the partitions throughout as required by plans. Double all the door studs and form all the angles solid, also do any other furring that the design requires.

Doors.—To be four sets of double, front and vestibule doors two feet by ten inches wide, by nine feet high.

Style shown in working drawings.

Each set of doors to have a segment head transom light over them.

Upper panels to doors to be double-thick French glass.

The doors to be two and a half inches thick, with raised mouldings as shown in working drawings.

To be three sets of six panel double doors opening into chapel-room, one pair from each front hall, and one pair from corridor.

Size of doors two feet by ten inches wide, by ten feet high, to be one and seven-eighths inches thick moulded as shown in drawings.

To be two single doors to basement halls three feet wide, eight feet high, two and a half inches thick.

The top panel to be double-thick French glass.

All the rest of the doors to be situated as follows:

And four cloak-rooms 3x8 feet, four panel doors.

All the doors to be situated as shown on plan and of the style shown in working drawings.

Hangings.—All the doors to be hung with the best quality of iron butts of the sizes respectively required, each door to have three butts.

Locks.—Put the Sargeant and Greenleaf patent locks on all the outside doors.

All the rest of the doors to be provided with good suitable locks, and with no two locks that require the same identically shaped key.

Sash fastenings.—Fasten all the sash with Sargeant's tucker bronze sash fastenings.

Catches and knobs.—Provide all the doors with good spring catches, and copper bronze knobs and rose.

Wainscoting.—Wainscot the chapel-room, front halls, cloak-room, three feet high with narrow, sound and seasoned beaded ceiling, free from shake large knots and loose black knots and loose knots of any description and all other imperfections.

To be a capping on top of wainscoting of the style shown in drawings.

Casings.—Case all the windows and doors with sound and seasoned finishing lumber, except in basement and room not to be finished.

The windows and doors in each room to be cased after the design shown in drawings.

Inside blinds.—Provide the chapel-room windows with inside blinds made in two equal divisions, each window to have four sections, two sections folding each way.

The styles to be one and a half inches thick, and all the slats movable.

All to be provided with the best kind of good substantial hangings and fastenings.

To be twelve cylinder hollow cast iron columns, six inches in diameter on the outside and five inches in diameter on the inside with cap and pedestal.

Painting.—Outside painting. All the exterior wood work and tin roofs to be painted three coats with the best of English lead and raw linseed oil.

Inside painting. Properly fill up with oil and white lead, putty all nail holes and other imperfections in the work to be painted.

Shellac all the knots, paint the inside in colors three coats of best English lead and boiled linseed oil.

The last coat outside to be sanded when green.

SPECIFICATIONS FOR CORRIDOR.

Corridor.—To be a corridor from the chapel building to the main building.

The corridor to be eight feet wide in the clear, from the tower wall to the corridor wall.

The height of the basement story to be ten feet two inches in the clear.

The height of the first story to be fourteen feet in the clear.

The sills for first story to be ten by twelve inches hemlock, and gained into for joists.

The joists for first story to be two by twelve inches, hemlock.

Sills, etc.—To be one cross sill running east and west across the recitation-room.

The ceiling joists to be two by eight inches, to rest top of plate and firmly spiked to the plate and rafter.

The plates to be two thicknesses of two by twelve inch plank.

The rafters in deck roof to be two by twelve inches, and tapered as shown in transverse drawing to give the pitch.

Floors.— The floors to corridor to be the same quality and thickness as for chapel building.

Steep roof.— All the roof to be covered with matched hemlock, well nailed to the rafters.

Deck roof.— The deck roof to be covered with one X bright tin, well soldered in resin.

Windows.— To be three windows in the basement story with sixteen by twenty-two glass.

The frames the same style as the basement frames in the chapel building.

To be four windows in the first story with sixteen by twenty-six glass segment heads.

The frames to be boxed for weights the same style as shown in detail drawings.

All the wood work to be painted three coats of the best English lead and linseed oil, colors to correspond with the rest of the building, except in rooms not to be finished.

All the work to be done according to the plans and specifications, and in a thorough workmanlike manner.

ERRATA.

The roof to be a full Mansard, as shown in working drawings, and the same as on present building.

The basement, recitation-room, drawing-rooms and basement to corridor, to be left entirely unfinished, except the window frames, windows and iron columns.

GENERAL SUMMARY.

Any carpenter work not herein specified, and necessary to complete the work in accordance with a fair and reasonable interpretation of the drawings, as to their true meaning and intent, to be executed by the contractor without extra charge.

The entire work to be executed in the best and most workmanlike manner, to the entire satisfaction of the building committee.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, on Friday, March 12, 1880 :

PRESENT — Joseph B. Carr, Secretary of State ; James W. Wadsworth, Comptroller ; Nathan D. Wendell, Treasurer.

No. 144.

In the Matter of the Claim of David
Hurlburt
agst.
The State of New York.

On motion, ordered that the claim of David Hurlburt, for work done on the Normal School at Geneseo, be disallowed.

No. 10.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, on Wednesday, February 11, 1880 :

PRESENT—Joseph B. Carr, Secretary of State; James W. Wadsworth, Comptroller; Nathan D. Wendell, Treasurer—members of the Board.

No. 172.

In the Matter of the claim of W. E.
Taylor
agst.
The State of New York.

Claim for loss of canal boat in Chenango canal ; amount claimed, \$250.

CLAIMANT'S STATEMENT.

The State of New York, to William E. Taylor, Dr.

For Canal Boat Johnny Cole, lost at Port Crane, in Chenango canal, in consequence of no water being let into canal in spring of 1877..... \$250 00

Received Payment.

STATE OF NEW YORK, }
County of Broome, } ss.:

William E. Taylor, claimant in the foregoing bill named, being duly sworn, says : That he resides in and his post-office address is Binghamton, N. Y.; that he is the sole claimant for the boat above mentioned, and no assignment of the claim in whole or in part has ever been made to or from him, he being now and having been for more than four years last passed, sole owner of said boat.

Deponent further says that his claim referred to or stated in the foregoing bill arises on the following facts, that is to say, in the month of November, 1876, the said boat was laid up at Port Crane, Broome county, N. Y., in the Chenango canal, for the winter, it having been used in navigating in the waters of such canal during said year and previously, and it was deponent's intention that it should be used in similar manner in the season of 1877 and afterward; that in the month of November, 1876, the waters were drawn from the Chenango

canal, and no water has ever been let in again at or near said Port Crane, and as deponent is informed and believes, such canal thereat has been abandoned by State authority; that as a consequence his boat is valueless, as it is on dry ground and has been ever since November, 1876; and where it is not practicable to get it into other waters; and such boat is entirely valueless as a boat solely and only because of its location away from water for floating it; and the material of which it is composed, if such boat be broken up, as deponent is informed and believes, are not of the value of more than \$20.

That at the time said boat was laid up in November, 1876, and in the usual season of opening navigation in the canal waters of the State in the spring of 1877, it was of the value of at least \$300 at said Port Crane, provided the usual waters had filled the said canal in the season of 1877; that such boat under such provisions was worth much more than \$300.

That this claim has never before been presented to any branch or office of the government, except that about February, 1878, it was presented to the Canal Appraisers of the State of New York, who refused to consider it and did not audit the same, giving as their reason for so doing, that they were not empowered so to do, as the claim was not within their jurisdiction; that the nature of the deponent's proof to substantiate the claim will be the evidence of the facts herein recited.

That the names and addresses of the witnesses, deponent proposes to examine to establish said facts, are as follows, viz: Horace Shaw, Port Crane, Broome county, N. Y.; Richard Shaw, Port Crane, Broome county, N. Y., and John Van Amburgh, Port Crane, Broome county, N. Y.

W. E. TAYLOR.

Dated July 21, A. D. 1879.

STATE OF NEW YORK, }
County of Broome, } ss.:

William E. Taylor, the claimant above named, being duly sworn, says, that the foregoing statement of claim is true of his own knowledge, except as to the matters therein stated on information and belief, and as to those matters he believes it to be true, and that no part of the claim has been paid or heard and decided by the Canal Appraisers, and further deponent says not.

W. E. TAYLOR.

Sworn to before me, }
July 21, 1879. }

B. S. CURRAN, *Notary Public.*

STATE BOARD OF AUDIT, }
OFFICE OF THE SECRETARY OF STATE, }
ALBANY, February 11, 1880.

In the Matter of the claim of W. E. }
Taylor }
agst. }
The State of New York. }

W. B. Ruggles, First Deputy Attorney-General, Counsel for the State;
Samuel S. Edick, Counsel for the Claimant.

TESTIMONY.

W. E. Taylor, claimant, having been duly sworn, testified as follows:

I reside in Binghamton, and have for twenty-seven years. I was the owner of the canal boat "Johnny Cole."

Q. How long had you owned the boat? A. About four years; I had used it mostly for carrying coal on the Chenango canal, which extends from Binghamton to Utica.

Q. In the fall of 1876, at the close of navigation, what did you do with the boat? A. It was laid up at Port Crane, which is seven miles from the terminus of the canal at Binghamton and over seventy miles to Utica; the State has never allowed the waters in the canal since the fall of 1876.

Q. What was the boat worth to you in the fall of 1876? A. I claim \$250; the boat was worth more money; its fair value was \$300.

Q. What is its value now, in consequence of the water being drawn, off from the canal? A. Nothing at all.

Q. Is it possible to get the boat to any waters, where it could be made to float? A. No, sir.

Q. Have you presented the claim before the Board of Canal Appraisers? A. I have.

Q. Was you informed that they had no jurisdiction? A. Yes, sir, and they rejected the claim on that ground.

Cross-examination:

Q. How long had the boat been used? A. May have been used six or eight years.

Q. How long had you owned it? A. Four years. I bought it at Port Crane, and gave \$300 for it.

Q. What size boat was it? A. About eighty tons; I don't recollect now, but not far from that.

Q. What did you use the boat for the year previous to the time the water was drawn? A. For carrying coal from Binghamton to Utica on the Chenango canal at different points; it had been used three or four years for that purpose.

Q. How long will a boat used for that purpose last? A. That depends altogether upon the amount of repairs it receives; the boat had been kept in repairs.

Q. Did you pay cash for the boat? A. I did, just even \$300.

By the SECRETARY OF STATE:

Q. Is not the boat worth something now? A. Nothing, only but for wood.

Q. How long is the boat? A. Not over forty — perhaps fifty feet long.

Q. Is not there a good deal of iron in it? A. Not very much.

The First Deputy Attorney-General here raised the question that the Board of Canal Appraisers have jurisdiction of this claim.

'That if it shall be decided that this Board has jurisdiction, then it is submitted that the State cannot be made liable for the laches and negligence of its servants and officers.

That the State permits the canals to be used as a highway.

That it does not guaranty indemnity against loss occasioned by want of navigable condition of said canals.

That the claimant had notice of the prospective abandonment of the canal in question, and should have exercised due diligence in the protection of his property.

The Board granted leave to the counsel for the claimant to file brief in answer to the questions raised by the Attorney-General.

Evidence closed and case submitted for decision.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, on Friday, March 12, 1880:

PRESENT — Joseph B. Carr, Secretary of State; James W. Wadsworth, Comptroller; Nathan D. Wendell, Treasurer.

No. 173

In the Matter of the claim of W. E. Taylor <i>agst.</i> The State of New York.	}
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On motion, ordered that the claim of W. E. Taylor for loss of canal boat on Chenango canal be disallowed.

No. 11.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, on Wednesday, March 17, 1880:

PRESENT — Joseph B. Carr, Secretary of State; James W. Wadsworth, Comptroller; Nathan D. Wendell, Treasurer — members of the Board.

No. 79.

In the Matter of the claim of Robert K. Oliver <i>agst.</i> The State of New York.	}
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Claim for materials furnished in repairing old Capitol; amount claimed, \$2,376.46.

CLAIMANT'S STATEMENT.

To the Board of Audit of the State of New York :

GENTLEMEN—The undersigned, a resident of Albany, N. Y., in presenting to your honorable body a claim in his favor against the State, respectfully shows that he has for the last six years carried on the carpenter business in the city of Albany; that between October 1, 1874, and April 30, 1875, he, his agents, servants and employees did and performed in, upon and about the old Capitol building, work, labor, services and carpenter work, and furnished the necessary materials, lumber, hardware, etc., under the immediate supervision and direction of Mr. George Hopey, at that time superintendent of the Capitol, and that such work, labor and services and materials so needed and furnished were reasonably worth \$4,376.46; that a detailed statement of the claim is hereto annexed, marked Exhibit "A;" that the items of the claim are numerous, and some are aggregations, which can be explained; that the undersigned will produce before the Board his account and the statements from which aggregates the items, and will offer for oral examination as to the correctness of the account, himself, George Hopey and the following mechanics who were employed upon the work: David Martin, Seth H. Lay, James Durst, William Baniard, Peter Blake; the undersigned will offer for examination as to the price and value of labor and materials of the kind mentioned in the annexed bill at that time, Messrs. John S. Skillicorn, James S. Allanson, Alexander Simpson, Nathan E. Simons and John J. Nethaway, the three first carpenters and builders, and the last a dealer in lumber; that all of the witnesses proposed are residents of the city of Albany, in no way interested with the claim; the claim above referred to was originally presented to Hon. N. K. Hopkins, late Comptroller, on or about July 2, 1875, and the claim was thereupon audited and allowed by him, and the sum of \$2,000 paid thereon, and a certificate, of which the certificate hereto annexed, marked Exhibit "B," is a copy, given to the undersigned; that after the Hon. Lucius Robinson became Comptroller, the undersigned called upon him to obtain a warrant for the balance of the claim then and still unpaid; Mr. Robinson stated to the undersigned that he would examine the claim, and requested another interview; the undersigned called twice upon the Comptroller, and at one time found him engaged, and on another occasion learned he was ill.

That since Mr. Olcott became Comptroller, the claim has been brought to his attention, and a warrant for the payment of the balance requested; Mr. Olcott has declined to pay the claim, but suggested that it might be brought before the Board of Audit, that its correctness might be inquired into; that, in accordance with the suggestion, the undersigned presents his claim to the Board, believing in its entire justness. The amount now claimed to be due is \$2,376.46, and interest from October 9, 1875.

ALBANY COUNTY, ss. :

Robert K. Oliver, being duly sworn, says, that the foregoing statement by him subscribed is in all respects just and true, and that the

annexed bill of items is in all respects just and true, and owing to deponent, and that there are no offsets against the same to the knowledge of deponent, excepting the payment of \$2,000 above stated.

ROBERT K. OLIVER.

Subscribed to before me, }

February 2d, 1878, }

JAS. W. BENTLEY, *Notary Public.*

EXHIBIT "A."

Letter of George Hohey.

ALBANY, May 20, 1875.

Hon. NELSON K. HOPKINS, *Comptroller of the State of New York:*

DEAR SIR — I would hereby most respectfully report to your honor that I have carefully examined the bill of Robert K. Oliver, and I have certified to it as being correct as late superintendent of the Capitol. The work therein specified was for work and materials furnished in and around the Capitol building, Senate and Assembly chambers; Senate and Assembly committee rooms; Senate and Assembly library departments, and various other departments connected with the Legislature. I find the items charged in said bill to be correct, and the work to have been done as charged; that a large portion of the work was done per orders of the officers connected with the Legislature and different departments in the Capitol building, and that only such work was ordered done as was deemed actually necessary and advisable.

I would also call your attention to the fact that several fires have occurred during the past year in the Capitol building, caused by defective flues and chimneys, which incurred considerable expense, and which will guard against any further occurrence in the future. I would therefore present a statement which includes the work done as charged in the accompanying bill of Robert K. Oliver, viz.:

To making outside sash and putting the same in; making ventilators in windows; laying new floors in basement; laying new floors in coal cellar; repairing platforms in Assembly chamber; putting in all outside sash around the building; and putting cotton in the same; building store-rooms in Capitol garret; repairing stairs and doors to garret; putting up new shelving in Assembly library; putting in wire work in various places about the chamber and building; making screens; putting in partitions in the drawers of the members of Assembly; repairing and hanging gates and rails; putting on locks on water-closets; putting on locks on all wardrobes, also on desks and furnishing four or five keys to each member with rings and tags; plated numbers on ward robes; building scaffold for cleaning windows and chandeliers; making tables for committee rooms, also putting on new locks and fitting same; making chests to store away Assembly papers in; putting in new locks in Speaker's desk; putting in brass plates on doors for closets; fixing up post-office; taking out and moving all desks and chairs in Assembly chamber; repairing all the desks in Assembly chamber after being put down preparatory to being varnished; fastening down chairs; repairing water-closets for Assembly chamber;

repairing and fitting up water-closets in Senate chamber; covering door in Senate chamber; laying floor and sundry patching on account of fire in Senate chamber; putting rubber moulding on windows; putting up new privy in basement Capitol; ceiling and wainscoting up in the kitchen; putting up shelves all over building for fire extinguishers; to furnishing gavel and block for Speaker's desk; repairing sleigh for carrying documents, etc.; repairing flag-staff on Capitol building; repairing registers in Assembly chamber; putting on door springs, hanging storm doors and repairing same; repairing rail in Capitol park; building over cellar ways a protection against rain and snow; repairing front doors and locks; make and put down outside steps in front and side entrances of Capitol; putting up shelves and doors in basement for store-room; repairing all outside sash around the building; building and put in luge box ventilator through roof in Court of Appeals chamber, per order of the judges; cutting away rafters around all the chimneys and put in trimmers to carry the same; make green baize screens; move water-tank in Assembly chamber and repairing same; build scaffold around all the chimneys, and numerous other jobs about the building not mentioned in the above.

Your obedient servant,

GEO. HOPEY,

Late Supt. of Capitol.

EXHIBIT "B."

Statement of Account.

ALBANY, May 3, 1875.

State of New York, Capitol, to Robert K. Oliver, Dr.:

1874.

Oct. 10.	To Fifty-nine days carpenter, at \$4.....	\$236 00
	Twenty-two feet walnut, at 18 cts.....	3 96
	Twenty-four legs and mortising.....	6 75
	Seven feet of pine, at 7 cts.....	49
	Cotton, 50 cts.; one paper screws, \$1.87; six keys, at 30 cts.....	4 17
	Three hundred and fifty-eight feet of pine, at 7 cts.....	25 06
	Twenty-four spruce ceiling, at 35 cts.; three 3x4 joists, at 25 cts.....	9 15
	Fourteen pine ceiling, at 35 cts.; seventy-one feet white wood, at 7 cts.....	9 87
	Twelve pine batting, at 40 cts.; seventeen pounds nails, at 8 cts.....	6 16
	Three cartages, at 50 cts.; seven feet walnut, at 18 cts.....	2 76
	Twenty-four feet moulding, at 2½ cts.; two ax handles, at 37½ cts.....	1 35
	Six pair butts, at 25 cts.; two papers brads, at 30 cts.....	2 10
	Six joists, at 30 cts.; twelve pair butts, at 30 cts.....	5 40
	Carried forward.....	\$313 22

1874.	Brought forward.....	\$313 22
Oct. 10.	To One gross screws, 90 cts.; six bolts, at 25 cts.	2 40
	Five locks, at 75 cts.; six doz. screws, at 12½ cts.; six catches	6 00
	Three spruce ceiling, at 40 cts.; sixteen doz. screws, at 12½ cts	3 20
Nov. 7.	Sixty-seven days, at \$4; 389 feet pine, at 7 cts.	295 23
	One pair hinges, 50 cts.; eight spruce strips, at 23 cts.....	2 34
	Eight 3x6 joists, at 25 cts.; twenty-two feet, at 36 cts.; twenty-two spruce plank....	13 88
	Eighteen pounds nails, at 8 cts.; three cart-ages, at 50 cts.; one gross screws, 87½ cts.,	3 80
	Five pine plank, at 50 cts.; one doz. knobs, \$1,	3 50
	Half dozen knobs, at 65 cts.; three dozen escutcheons, at 50 cts.	1 83
	Two papers nails, at 30 cts.; eleven painted numbers, at 60 cts.	7 20
	Six doz. key rings, at 50 cts.; one lock, 75 cts.	3 75
	Fitting twenty-three locks with keys, 37½ cts. each	8 62
	Two keys, at 36 cts.; thirty-four keys, at 30 cts.; four locks, at 60 cts.....	13 32
	Four keys, at 30 cts.; three plates, at 30 cts.; one plate, 30 cts.....	2 30
	Forty-three feet walnut, at 18 cts.; forty-four feet white wood, at 7 cts	10 82
Dec. 5.	Ninety-two days' carpenter work, at \$4....	368 00
	Glue, 37½ cts.; nine sheets sand paper, at 4 cts.	74
	Two iron hooks, at 37½ cts.; twenty-six spruce ceiling, at 38 cts.....	10 63
	One chest lock, 75 cts.; one pair butts, 50 cts.	1 25
	One escutcheon, 37½ cts.; three papers nails, at 30 cts.....	1 28
	One gross screws, \$1.12½; six dozen screws, at 50 cts.....	4 13
	Three doz. brass hooks, at 50 cts.; three locks, at 75 cts.....	3 75
	Four hook eyes, at 10 cts.; four step irons, \$3.....	3 40
	Eighteen keys, at 30 cts.; sixty-five key checks, \$2.90	8 30
	Repair six locks, at 20 cts.; twenty-seven lbs. nails; one pair butts, 31 cts.; one cart-age, 50 cts	4 17
	Twenty-seven pounds nails; one pair butts, 31 cts.; one cartage, 50 cts	2 97
	One pair handles, 45 cts.; one lock, \$1.25,	1 70
	Three dozen screws, at 12½ cts.; five dozen brass screws, at 15 cts.....	1 13
	Oil and shellac, 75 cts.; one doz. locks, \$4.50,	5 25
	Carried forward.....	\$1,108 11

1874.	Brought forward.....	\$1,108 11
Dec. 5.	To four pair butts, at 20 cts.; four dozen screws, at 25 cts.....	1 80
	One gross screws, \$1.68; one gross screws, \$1.20.....	2 88
	One key, 30 cts.; four plates, at 25 cts.; five plates, at 15 cts.....	2 05
Dec. 15.	To Fifty-eight days, at \$4; seventy pine ceiling, at 38 cts.....	258 60
	Twenty feet pine, at 7 cts.; twenty-two key numbers, at 3 cts.....	2 06
	Ten pounds nails, at 8 cts.; one cartage, 50 cts.; one dozen, at 12 1-2 cts.....	1 43
	Fourteen irons, at 10 cts.; two buttons, at 15 cts.....	1 70
	Altering irons, 85 cts.; two hook eyes, at 15 cts.....	1 15
	Ten bundles of cotton, at 25 cts.; one bolt, 81 cts.....	3 31
	Three feet chain, at 15 cts.; two gross screws, at 96 cts.....	2 37
	One caster, 20 cts.; three feet walnut, at 18 cts.; two cartages, at 50 cts.....	1 74
	Sixty feet metallic strips, at 10 cts.....	6 00
	Twelve feet rubber moulding, at 12 1-2 cts.; two papers of tacks, at 10 cts.....	1 73
	One gross screws, 87 cts.; one pair butts, 20 cts.; one key, 30 cts.....	1 37
	Four sheets sand paper, at 4 cts.; fifteen feet mahogany, at 33 cts.....	5 11
	One desk lock, \$2; one gavel for speaker, \$1.50.....	3 50
	Two locks, at 75 cts.; two pair butts, at 35 cts.....	2 20
	Four dozen screws, at 12 1-2 cts.; three cartages, at 50 cts.....	2 00
	One block for speaker, \$3.25; two and one- half doz. screws, at 12 1-2 cts.....	3 56
1875.		
Jan. 2.	To Fifty-eight and one-half days, at \$4; one lock, 75 cts.; one band, 50 cts.....	235 25
	Repairing locks, 75 cts.; thirteen keys, at 30 cts.....	4 65
	Repairing ten locks and keys.....	1 75
	Six brass knees, at 30 cts.; repairing sixteen lock keys, \$2.45.....	4 25
	One pine ceiling, 35 cts.; one pair brass butts, 38 cts.....	73
	One tumbler lock, \$2; two feet mahogany, at 35 cts.....	2 70
	Thirty-four pine batting, at 40 cts.; eight doz. screws, at 12 1-2 cts.....	14 60
	Carried forward.....	\$1,676 60

1875.	Brought forward.....	\$1,676 60
Jan 2.	To fourteen spruce ceiling, at 38 cts.; two 3x4 joists, at 25 cts.....	5 82
	One pair butts, 38 cts.; one bolt, 30 cts.; nine pound nails, at 8 cts.....	1 40
	One desk lock, 50 cts.; one lock, 75 cts.; one catch, 38 cts.....	1 63
	One brass hook, 25 cts.; one gross screws, \$1.27... ..	1 52
	One dozen key rings, 50 cts.; one drawer lock, \$1.25.....	2 00
	Eight door keys, \$2.75; ninety-seven keys, 30 cts.....	31 85
	Repairing lock, 38 cts.; thirty-four keys, at 20 cts.....	7 18
	Twenty-seven tags, at 3 cts.; one brass plate, 10 cts.; fourteen keys, at 30 cts....	5 11
	Two dozen key rings, at 38 cts.; thirty-two feet rubber moulding, at 9 cts.....	3 63
	Twenty-seven days carpenter, at \$4.....	108 00
	Glue, 25 cts.; one bundle cotton, 25 cts....	50
	Six hook eyes, at 30 cts.; one hundred and fourteen feet pine, at 7 cts.....	9 78
	One pine flooring, 50 cts.; four dozen screws, at 12 1-2 cts.....	1 00
	Seventy-two feet rubber moulding, at 8 cts.; four feet, at 15 cts.....	6 36
	Eight keys, at 30 cts.; one Yale lock, at \$2	4 40
	Repairing lock, 25 cts.; one paper nails, 30 cts.....	55
	Two coat hooks, at 25 cts.; twelve feet moulding, at 5 cts.....	1 10
	Two pair butts, at 20 cts.; one gavel, \$3..	3 40
	Two brasses, at 40 cts.; one dozen screws, 15 cts.; fifty-nine feet walnut, at 18 cts	11 57
	One iron knee, 15 cts.; two cast, at 50 cts.; one hook, 20 cents.....	1 35
	One door spring, 87 1-2 cts.; twenty keys, at 30 cts.....	6 86
	Two brass plates, at 20 cts.; repair four locks, ten keys, \$3.50.....	3 90
	One pair butts, \$2; four keys, at 50 cts; two locks, at 50 cts.....	5 00
	Drilling plate, 30 cts.; one gross screws, 86 cts.....	1 16
	Six clothes hooks, 40 cts.; half dozen locks, \$1.25 each.....	9 90
	Two gross screws, at 62 1-2 cts.; two dozen brass screws, at 50 cts.....	2 25
	Half dozen white knobs, each 10 cts.; two dozen key rings, at 50 cts.....	1 60
	Carried forward.....	\$1,915 42

1875.	Brought forward.....	\$1,915 42
Jan. 2.	To Seven brass hooks, at 15 cts.....	1 05
	Forty-five feet walnut; sixteen carriage bolts, at 3 cts.....	7 68
	Half dozen knobs, 80 cts. dozen, 40 cts.; two knobs, at 5 cts; one mortise lock, \$1.56.....	2 06
	One bolt, \$1.25; one bolt, 81 cts.....	2 06
	Three dozen screws, at 25 cts.; one pair brass hinges, \$2.50.....	3 25
	Eight iron stoop sleigh, at 30 cts.; two braces, at 20 cts.....	2 80
	Repairing four locks, twelve keys, \$3.50..	3 50
	Repairing three locks, \$1.50; repairing locks and ten keys, \$1.20.....	2 70
	Sixty feet rubber moulding, at 10 cts.; eighteen brass knees, at 30 cts.....	11 40
	Three eyes, at 2 cts.; 9 yards cord, at 4 cts.; two pulleys, at 10 cts.....	62
Feb. 6.	To Eighty-three and a quarter days, carpenter; twelve feet moulding, at 4 cts.....	333 48
	Twelve feet, at 5 cts.; four screw eyes, at 10 cts.; forty-one feet mahogany, at 30 cts..	13 30
	Two hundred and sixteen feet pine, at 7 cts.; ninety-seven feet walnut, at 18 cts, One Yale lock, \$3.25; repairing locks, 78 cts.....	32 58
	Seven keys, at 30 cts.; nine irons, \$1.35; sawing and turning, \$2.25.....	4 03
	One piece wire work.....	5 70
	Moulding four hundred and ninety-three; eight drawer pulls, at 15 cts.....	6 70
	Eight locks, at 56 cts.; eight escutcheons, at 15 cts.....	6 13
	Ten dozen screws, at 12 1-2 cts.; two set table legs, \$3.50.....	5 68
	Four and one-half yards cloth, at 87 1-2 cts.; papers of tacks, at 10 cts.....	4 75
	Eight feet mahogany, at 50 cts.; two iron plates, at 56 cts.....	4 13
	Three keys, at 30 cts.; repairing locks, \$3.25, Five feet mahogany, at 50 cts.; two spruce flooring, at 35 cts.....	4 56
	Two pair brass butts, at 35 cts; two locks, at 62 1-2 cts.....	4 15
	Two pair handles, at 62½ cts.; two escutcheons, at 25 cts.; ten dozen screws, 12 1-2 cts.....	3 20
	One iron bolt, \$1.25; one brass lock, \$1.38, One gross screws, 75 cts.; three outside sash, at \$5.....	1 95
		3 00
		2 63
		15 75
	Carried forward.....	\$2,404 26

1875.	Brought forward.....	\$2,404 26
Feb. 6.	To Cord tassels, \$1.25; one dozen screw eyes, 15 cts.....	1 40
	Two cartages, at 50 cts.; six sheets sand paper, at 4 cts.....	1 24
	One lock, \$1.25; one brass key, 30 cts.; 1 Yale key, 62 cts.....	2 17
	Nine keys, 30 cts.; one pair iron brackets \$1.63.....	4 33
	One door key, \$1.25; repairing lock, 50 cts.	1 75
	Three hooks, at 15 cts.; six screw eyes, at 15 cts.; two pair butts, at 50 cts.....	2 35
	One pair hinges, 25 cts.; one piece cloth belting, \$2.....	2 25
	Two locks, at 50 cts.; two ladder irons, at 30 cts.; two pair handles, at 50 cts.....	2 60
	Two escutcheons, at 20 cts.; five doz. screws, at 12 1-2 cts.; one paper nails, 30 cts....	1 33
	Moulding, 779; seventy-five feet mahogany, at 30 cts.; four pulls, at \$1.12 1-2.....	31 42
	One-half lb. glue, at 75 cts.; one gross screws, 90 cts.....	1 28
	Five irons, at 25 cts.; one door spring, \$1; one lock, 63 cts.....	2 88
	One pair hinges, 28 cts.; seven pounds nails, at 8 cts.; two keys, at 30 cts.....	1 44
	Repairing door handle, 28 cts.; four brass locks, at 56 cts.....	2 52
	Sixty-nine and one-fourth days, carpenter, at \$4; one lock, 63 cts.; one pair butts, 50 cts.....	278 13
	One pair handles, 63 cts.; six pounds nails, at 8 cents.....	1 11
	Two hundred and eighty-four feet pine, at 7 cts.; two pair hinges, at 37 cts.....	20 63
	Two locks, at 50 cts.; two handles, at 50 cts.; one paper nails, 30 cts.....	2 30
	One lock, \$1.25; one dozen hooks, \$1.25..	2 50
	One gross screws, \$1.90; turning, 75 cts.; ten keys, at 30 cts.....	5 65
	Repairing locks, 63 cts.; one pair handles, 40 cts.....	1 03
	Two dozen rings, 94 cts.; wire work, \$2.99.	3 91
	One back screw and glue.....	1 36
	One lock, 75 cts.; one bolt, 28 cts.; one hook eye, 10 cts.....	1 13
	Forty-six days, carpenter, \$4.....	184 00
	Eleven 2-inch spruce plank, at 40 cts.; two 4x6 joist, at 75 cts.....	5 90
	Four knees, at 28 cts.; five dozen screws, at 12 1-2 cts.; two keys, at 30 cts.....	2 35
	Carried forward.....	\$2,973 22

1875.	Brought forward.....	\$2,973 22
Feb. 6.	To One back, 50 cts.; twenty-four feet moulding	3 38-
	Eight 3x4 joist, at 25 cts.; ten 3-inch spruce	
	strips, at 20 cts.....	4 00
	Wire work, \$50.60; six 3x8 spruce, 134	
	feet, at 3 cts.....	54 28
	Twenty pounds nails, at 8 cts.; three cart-	
	ages, at 50 cts.; two and one-fourth yards	
	cloth, at 7 cts.....	5 07
	Use of scaffold, \$3; one 3x4 joist, 25 cts..	3 25
	Two keys, at 40 cts.; eighteen keys, at 30	
	cts.; six plates, at 15 cts.....	7 10
	Four hooks, at 20 cts.; one plate, at 20 cts.;	
	eight keys, at 45 cts.....	4 60
	Repairing lock, 50 cts.; one gross screws,	
	93 cts.....	1 43
	One gross screws, 60 cts.; two locks, at	
	\$2.50; one lock, \$2.75.....	8 35
	One set of casters, 37 1-2 cts.; two papers	
	of nails, at 30 cts.....	98
	One bolt, 75 cts.; eighteen feet walnut, at	
	18 cts.....	3 99
	One set legs, \$2; eleven pounds nails, at 8	
	cts.; four sheets sand paper, at 4 cts....	3 04
	Forty-eight days, carpenter, at \$4; one brass	
	lock, \$1.75.....	193 75
	One lock, 62 1-2 cts.; three keys, at 35 cts.;	
	two dozen screws, at 44 cts.....	2 56
	Two dozen rivets; thirty-six feet walnut, at	
	18 cts.....	6 78
	Seven hundred and fourteen feet pine, at 7	
	cts.; one lock, \$3.75.....	53 73
	One lock, \$2.25; forty-three feet pine ceil-	
	ing, at 38 cts.....	18 59
	One hundred and eighty feet walnut, at 18	
	cts.; one hundred and forty-five feet	
	pine, at 7 cts.....	42 55
	Scroll sawing, 30 cts.; three iron brackets,	
	at 62 cts.....	2 16
	Four cartages, at 50 cts.; two pair flaps, at 15	
	cts.; one paper tacks, at 10 cts.....	2 40
	Turning and sawing, at 95 cts.; eight lbs.	
	nails, at 8 cts.....	1 59
	Six keys, at 32 cts.; two brass hinges and	
	hasps, at \$1.....	3 92
	Mortising and tenanting, \$1.75; three doz.	
	screws, at 12 1-2 cts.....	2 13
	Repair three locks, at 25 cts.; one key, 30 cts.,	
	One spring, \$1.25; twenty-three 2x4 joist,	
	at 20 cts.....	5 85
	Carried forward.....	\$3,409 75

1875	Brought forward.....	\$3,409 75
Feb. 6.	To Eleven lbs. nails, at 8 cts.; 30 feet moulding, at 3 1-2 cts.....	1 93
	Sixty-three feet moulding, at 3 cts.; forty feet, at 25 cts.; twenty-four feet, at 5 cts.,	4 09
	One pair butts, 25 cts.; ten lbs. nails, at 8 cts.,	1 05
	Forty-three days, carpenter, at \$4.....	172 00
	One set shives, \$1; one sliding-door lock, \$2.....	3 00
	One lock, 15 cts.; four cartages, at 50 cts..	2 15
	Turning, \$1.25; four plates, at 20 cts.; one pair flaps, 21 cts.; two brackets, at 65 cts.; one shelf, \$1.....	4 56
	One-quarter lb. glue, at 50 cts.; one lock \$1.25; two keys, at 30 cts.....	1 98
	Sixty-four days, carpenter; three hundred and sixteen feet pine.....	278 12
	Forty-seven feet pine flooring, at 50 cts.; four set legs, at 25 cts.; thirty-six pounds nails, at 8 cts.....	27 38
	Three locks, at \$2.25; fifteen 2-in. spruce plank, at 50 cts.....	14 25
	Four pair butts, at 37 1-2 cts.; two large butts, at \$1.25.....	4 00
	Two cartages, at 50 cts.....	1 00
April 17.	To Forty-four days, carpenter, at \$4.....	176 00
	Fifteen 3x4 joist, at 25 cts.; fifty spruce flooring, at 35 cts.....	21 25
	Twenty-four feet pine, at 7 cts.; one and one-half yards muslin, at 40 cts.....	2 28
	Sawing, \$5.50; fifty pounds nails, at 7 cts.,	9 00
	Sixteen feet pine, at 7 cts.; two cartagos, at 50 cents.....	2 12
	Use of scaffolding.....	15 00
	Thirty feet moulding, at 7 cts.; sixty feet best cord, at 4 cts.....	4 50
	One gross screws, \$1.25; two side pulleys, at 32 cts.....	1 57
	One bell handle, 50 cts.; one catch, 28 cts.,	78
	One pair butts, 30 cts.; wire cloth, \$2.38..	2 68
	Twenty-four feet moulding, at 5 cts.; four pine flooring, at 50 cts.....	3 20
	Three pine ceiling, at 35 cts.; seventy-eight feet pine, at 7 cts.....	6 51
	Three cartages, at 50 cts.; fifteen lbs. nails, at 7 cts.....	2 35
	Twelve feet cove, at 2 cts.; moulding, \$3.26,	3 60
	Thirty-two days, carpenter, at \$4.....	128 00
	Five hundred and eleven feet pine, at 7 cts.; twelve pounds nails, at 8 cts.....	36 73
	Carried forward.....	\$4,341 03

1875.	Brought forward.....	\$4,341 03
April 17.	To Four dozen screws, at 12 1-2 cts.; hinges for gate, \$4.50.....	5 00
	Eleven locks, at \$1.25; one hundred and eight feet moulding, at 1 1-2 cts.	15 37
	Eight pine flooring, at 50 cts.; thirteen 2x4 joists, at 20 cts.....	6 60
	One 3x4 joist, 25 cts.; four pair butts, 38 cts.; one bolt, 25 cts.....	88
	One caster, 26 cts.; three dozen screws, at 12 1-2 cts.; twenty pounds nails.....	2 24
	One pair hinges, 38 cts.; one pound wrought nails, 20 cts.....	58
	Twelve feet moulding, at 5 cts.; two hooks, at 6 cts.; four staples, at 4 cts.....	88
	Three dozen clothes hooks, at 50 cts.....	1 50
	One paper screws, \$1.20; two screws and washers, at 10 cents.....	1 40
	Two cartages, at 50 cts.....	1 00
		\$4,376 46

EXHIBIT "C."

Certificate.

STATE OF NEW YORK:

COMPTROLLER'S OFFICE,
ALBANY, October 9, 1875. }

Mr. Robert K. Oliver has a bill on file in this department, duly certified by the superintendent for carpenter work on the Capitol, amounting to \$4,144.07, upon which we have paid the sum of \$2,000.

The balance remains unpaid for the reason that the appropriation for the Capitol is exhausted, and this and bills of a similar nature must await the action of the next Legislature, when they will undoubtedly be provided for and paid.

The bill remains on file here as a voucher.

N. K. HOPKINS, *Comptroller.*

EXHIBIT "D."

Affidavit of George Hopey.

STATE OF NEW YORK, }
City and County of Albany, } ss.:

George Hopey, late superintendent of the Capitol, being duly sworn, says, that he has carefully examined the account of Robert K. Oliver, for work done in and about the Capitol, from October 10, 1874, to May 1, 1875, amounting to \$4,144.07; that he believes said account to be correctly stated as to time and materials charged, and the prices therefor to be just and reasonable; that the work was done in pursuance of his orders and in compliance with the request of various officers of the Legislature and judges of the Court of Appeals, and

that no repairs or improvements were ordered, except such as were deemed necessary for the convenience and comfort of the members of the Legislature, and the State officers and employees occupying the various offices in said Capitol, and such as was deemed necessary for the suitable protection of the property of the State under the care and supervision of this deponent; that many of the items or jobs of such, covered by said bill, are detailed in the communication made by this deponent to the Comptroller, dated May 20, 1875; that it would be difficult, if not impossible, to give all the details of the various job-bings, but so far as this deponent remembers, he has given a correct statement of the same.

GEO. HOPEY.

Subscribed and sworn before me, }
the 4th of June, 1875.

HENRY GALLIEN, *Notary Public.*

STATE BOARD OF AUDIT,
OFFICE OF THE SECRETARY OF STATE, }
ALBANY, *March 17, 1880.*

Robert K. Oliver

agst.

The State of New York.

Wm. B. Ruggles, First Deputy Attorney-General, Counsel for the State; Kingsley & Bentley, Counsel for the Claimant.

TESTIMONY.

Robert K. Oliver, having been duly sworn in his own behalf, testified:

I reside in Albany, 62 Howard street; am a carpenter and builder; I have been engaged in that business as builder ten years in the city of Albany.

Q. Between October 1, 1874, and April 30, 1875, did you do work on the old Capitol? A. Yes, sir.

Q. Who was keeper of the old Capitol at that time? A. Mr. George Hopey.

Q. Who was Comptroller at the time this work was done? A. Nelson K. Hopkins, at the time the claim was first presented; the work on the Capitol was done under my supervision.

The counsel for the claimant put in evidence a letter addressed to the late Comptroller Nelson K. Hopkins, by George Hopey, late superintendent of the old Capitol, attached to the statement of claim, and which contains a detailed statement of the kind of work performed and as rendered by claimant, marked Exhibit "A," March 17, 1880, and attached to the claimant's petition.

Q. You have read that statement of what was done? A. Yes, sir: as far as it goes it is correct, but there are some items that the statement does not cover; my men who worked on the job, some of whom

have not worked for me since, have called my attention to a number of things that was done at that time, that they done, that is not included in the schedule; some small things.

Q. State who the men were that were employed by you on that work? A. David Martin, John Feeley, James Durst, William Barnard, Matthew Jordan, Seth Lay, George Anderson, Joseph Hogan, who died about a year ago, Michael Dohan, Keron McKay, Frank Lindsley, Peter Blake, Isaac Frust, John Tomlinson, Daniel Kirk, George Wilson, James Trailer, William, the Scotchman. and John Shepard.

Q. Did you furnish the material used for these men upon this work? A. Yes, sir.

Q. State how the account of this work was kept and rendered to you? A. The men would keep (during the time they worked upon the Capitol) their own time, which time, and whatever lumber, hardware, keys or locks, they would put down on the book, and at the end of each week they would give that time to me and I would take it on a legal cap sheet, which I have preserved.

Q. Have you got those accounts now? A. Yes, sir.

(The witness produced the accounts.)

Q. Does each of these weekly statements contain the account of work rendered for any customer that you may have done the work for? A. Yes, sir.

Q. And from these statements you rendered your bills to your customers? A. Yes, sir.

Q. And these statements contain the work done, and material used, rendered on each Saturday night? A. Yes, sir.

Q. Under the supervision of your foreman? A. Yes, sir.

Q. The statement of your claim made up from these statements is correct? A. Yes, sir.

Q. And they are correct? A. Yes, sir.

The counsel for the claimant offered the statements in evidence.

Received and marked Exhibit "B," March 17, 1880. W. H. S.

Attached to the claimant's petition.

Q. Was any part of this work done outside of the Capitol building? A. Yes, sir; the making of tables and little desks, and getting out some stuff was done at the shop, and some was done over on the corner of Eagle and State, where the Assembly chamber had committee rooms; we made tables there and at the shop, which was brought down into Steuben street, where they had Assembly committee rooms.

Q. Did your men have work-rooms in the Capitol? A. Yes, sir; they had a place where they worked down in the basement, and they worked up in the garret.

Q. Who directed you to do this work? A. Mr. Hopey.

Q. What was the quality of the lumber that you used in this work? A. All "A, No. 1," of its different kinds.

Q. Describe the kind of black walnut that you used? A. Used principally what they call counter-top black walnut; they designate that because it is much wider; the making tops of desks it required a wide board, and I make that up with other walnut which I could put in, twelve or fourteen inches wide, but principally it was counter-top. The pine was of the best; I had to get the very best in the market; I had to get it dry; the white wood was such as you put in the bot-

toms of drawers; it required the very best we could get, without knot, or knot holes, and without being wavy.

Q. Was the price charged the State for this lumber, and labor of men, the market price at that time. A. Yes, sir.

Q. Was that the price that you charged all your customers? A. It was.

Q. Please state what the amount of your bill was as rendered? A. The bill rendered was \$4,144.07; there was a mistake of \$230; the bill as corrected would be \$4,374.07.

Q. Did you present that bill for payment to the Comptroller? A. I did, yes, sir; I presented it about October, 1875; it was sometime between May the 1st when I finished, and October, 1875; just when it was I cannot tell.

Q. Was any part of the bill at that time paid by the Comptroller? A. There was \$2,000; that was paid on account.

Q. At the time this bill was presented, and \$2,000 paid, did you present to the Comptroller the certificate of Mr. Hokey? A. At the time I presented my bill the certificate of Hokey went with it; Mr. Hokey kept my bill looking it over; I could not tell just when it was; it was sometime after May 20th that I presented the bill to the Comptroller.

Q. When you presented the bill to the Comptroller, you also presented the certificate of Hokey with it? A. I am not positive about that; I presented my bill, and I supposed *my bill* went with it.

Q. Did you at any time demand payment of the bill, to the Comptroller, when he gave you a certificate? A. I went there to Comptroller Hopkins and he told me that there wasn't money enough to pay it, and I would have to wait until the next Legislature made some provision, and in order to help me along he said he would give me a certificate of that kind, so he gave me this paper.

The counsel for the claimant read and put in evidence the above certificate signed by N. K. Hopkins, Comptroller, dated October 9, 1875. Received and marked Exhibit "C." W. H. S. Attached to claimant's petition.

Q. Has any other payment been made on this bill? A. No, sir.

Q. What is the balance remaining due? A. Two thousand three hundred and seventy-six dollars and forty-six cents and interest.

Cross-examination:

Q. Mr. Hokey, at the time you did this work, was keeper of the old Capitol? A. Yes, sir.

Q. What was the official name? A. It was superintendent of the Capitol.

Q. Did Hokey have authority to order any thing he saw fit to be done on the Capitol?

Q. At that time, with the consent of the Comptroller; I know that he did see the Comptroller from time to time, to see whether he should do certain things; I know before I done such as putting up scaffolds around the chimneys, he would see the Comptroller about it before he would give me orders to do it.

Q. Did you understand that the Comptroller had the right to order any thing done on the Capitol without limit? A. I don't know any thing about that; I know he was superintendent, and when he told

me to do any thing I did it ; some of this work was did by order of the Legislature ; there were resolutions passed.

Q. Can you separate what was done by order of the Legislature, and what was done without order ? A. I could not at this time without going over the bills ; there was a fire on two occasions, and I had to go there and work in the night, in order to get it done in time for the session of the Legislature.

Q. You charge \$4.00 a day for the carpenter work ; was that the usual price of carpenter work at that time ? A. Yes, sir.

Q. And what other carpenters charged ? A. Yes, sir.

Q. What did you pay these men per day ? [Objected to, and admitted.] A. I paid from \$3 to \$3.50 ; most of these men are paid \$3.50, some of them I paid \$3, and two or three of them I paid \$2.75 per day ; a foreman I paid \$3.75 ; Mr. Barnard was one that I paid \$2.75 ; I cannot remember who the other one was.

Q. There were only two that you paid less than \$3 ? A. That I cannot say positive—that there was more than those two.

Q. Can you remember the prices you paid to these different men, the list of whose names you have given here ? A. Yes, sir ; I can most of them.

Q. Give them in the order ? A. David Martin I paid \$3.50 ; John Feeley, \$3.50 ; James Durst, \$3.50 ; William Barnard, \$2.75 or \$3, I am not positive about it ; Matthew Jordan I paid \$2.75 or \$3, I think it is \$3 ; Seth Lay, \$3 ; Anderson, \$3.25 ; Joseph Hogan I cannot remember ; Michael Dohan I think I paid \$3.25 ; Keron McKay I paid \$3 or \$3.25 ; Linsley I paid \$2.75 ; Peter Blake I paid \$3.75, he was my foreman ; Isaac Freest I paid \$3.25 or \$3.50, I am not positive ; John Tomlinson, \$3 or \$3.25 ; Daniel Kirk I paid \$3.50 ; George Wilson I paid \$3.25 ; James Trailer I paid \$3.50 ; William the Scotchman, I paid \$3.50 ; Powers I paid \$3 or \$3.25 ; John Shepard I paid \$2.75.

Q. Can you tell how many days each one of these men worked ? A. No, sir, I cannot without going over these papers.

Q. You haven't any memorandum that you have taken from your papers that would enable you to say ? A. No, sir.

Q. Was eighteen cents per foot the market price of walnut in October, 1874 ? A. It was the price we charged our customers.

Q. Was that the fair market-price for walnut ? A. It was for the kind of lumber I used there.

Q. What kind did you use ; in the second item ; what kind of walnut was it ? A. It was what they call counter-top walnut.

Q. Where did you get it ? A. I am not positive ; I think I got it of John C. Ward at that time.

Q. Where did he do business ? A. In the city of Albany.

Q. How much per foot did you pay Mr. Ward for that ? A. I think in the neighborhood from thirteen to fifteen or sixteen cents ; there was some I paid more, and some I paid less ; some that was narrow, that I paid less, and some wider, that I paid more.

Q. How much was pine worth at that time ? A. According to quality ; the best was worth from \$55 to \$60, and I gave as high as \$65 for some ; I charge \$70 per thousand in my claim.

Q. Suppose you went into the market to buy; what was the market rate for pine, dry pine and clear stuff? A. Not less than \$55.

Q. This item of October, "358 feet of pine, at seven cents, \$25.06." Do you remember what that was used for? A. I could not say; could not tell what it was used in; I see some table legs here, might have been in these; I cannot tell just where this stuff was used.

Q. Have you any means of telling what that was used for? A. It would take me some time to pick it all out; it was brought there at one time, and charged in one item.

Q. Do you know what you paid, or where you got it? A. I could not say where I got that particular three hundred and fifty-eight feet.

Q. Do you keep books? A. Yes, sir; I didn't keep it on books, I kept my accounts in memorandum; those are the papers that I took my time in, on Saturday night of each week.

Q. What is the item of "twenty-four spruce" selling at 35 cts.? A. It is 35 cents a piece; they are spruce boards that are matched, both edges, with a bead; I think there was nine or ten feet in a board; it was used for ceiling up inside of a room.

Q. "Fourteen pine ceiling, 35"? A. Those were something narrower, four or five inches wide.

Q. This item, "seventy-one feet of white wood, at 7 cents per foot"? A. Yes, sir.

Q. The item above it "35," is intended for each of the fourteen pieces? A. Yes, sir.

Q. Where were these pine ceiling made? A. I could not tell you that; where I bought them at the lumber yard, they must have had them made at some of the planing mills.

Q. "Twelve pine batting, 40 cents;" what kind of articles were those? A. Four and one-half inches wide, by an inch and one-eighth or one-fourth thick and thirteen feet long; most pine is thirteen feet.

Q. The item opposite the "sixty-seven days at \$4" a day, there is "three hundred and eighty-nine feet pine, at 7 cents;" do you know what that was used for? A. No, sir.

Q. Can you tell what kind of pine it was? A. All the pine that was used around there was the best quality of pine.

Q. How do you describe it; what do you mean? A. I mean the best in the market, free from knots and shakes, and perfectly dry, clear stuff; you could not take ordinary pine that you find in the yard and use in the work that you done there; I had, at times, to pay more because it was dry.

Q. What was the price of nails in the fall of 1874? A. I think about five or five and a half cents.

Q. This walnut that you used was all the same kind of walnut? A. There was some narrower that I got a little cheaper, and some wider that I paid a little more, and I averaged it and called it eighteen cents a foot; there was some that I got at eleven or twelve cents, and some I paid eighteen or twenty cents, and twenty-two cents.

Q. What was the least that you paid for any walnut that was used in this work? A. Twelve cents; I think I did as low as eleven, but am not positive.

Q. Did you pay any lower than eleven? A. No, sir.

Q. You say some walnut you paid higher than eighteen? A. Yes, sir.

Q. Have you charged any in your claim here higher than eighteen? A. No, sir.

Q. What kind of walnut is this that you paid twenty and twenty-two for? A. Extra wide table-top, and counter-top lumber.

Q. Do you know the amount that you used of that kind? A. It was bought from time to time, and I could not tell you.

Q. You averaged the walnut at eighteen, and some you paid twelve and some twenty-two cents? A. Yes, sir.

Q. "Thirty-four pine batting at forty cents"; what was that? A. It was about four and a half inches wide, and one and one-fourth thick, and I think thirteen feet long.

Q. How many feet in one of those? A. Some of them were seven feet, between six and seven; that was the best kind of pine, such as they put in batting. I think they were used for piecing out floors, or putting up partitions, where they had to be planed on both sides, and had to be beaded.

Q. "Sixty feet of rubber moulding at ten cents;" what was that? A. That is patent rubber moulding, or weather strips; I bought some of it of the manufactory, and some of it I got at the hardware store; I paid eight cents per foot; there were different kinds of it; some eight, some ten, and some fifteen; this was all of the kind I paid eight cents.

Q. Did you pay less than eight for some? A. There is a kind I got for less than eight, but there is none in this claim.

Q. "Forty-one feet of mahogany thirty" per foot; is that the market price? A. They broke the speaker's desk and had to put on new tops, and I had to go to a cabinet-maker, and had to pay I think twenty-eight cents a foot for it; I had to pay an extra price; it was done three or four times.

Q. "One pine flooring four s.;" what was that? A. That was a wide pine flooring, nine or nine and a half inches, one and a quarter inches thick; it was for the whole plank I charged four shillings.

Q. Under date of April 17th, "fifty spruce flooring, thirty-five." What kind of pieces were those? A. They were eight and a half inches wide, one and a half thick, and thirteen feet long.

Q. Do you know where they were used? A. I could not say; I think they were used in the basement floor of the Capitol in putting up a store-room and office.

Q. What was "use of scaffolding," April 17th? A. That was used around the windows and chandeliers.

Q. Where does this scaffolding come from? A. From my shop, and after it was used it was taken back; I only charged for the use of it; I think it was used about the chandelier in the Assembly chamber for the women to get up to it and wipe off the chandelier; I could not say how long it was in use; might be a week or two; whenever Mr. Hovey told me to take it down, we did so.

Q. In all these items of material you charged a profit? A. Yes, sir, over and above what I paid for material.

Q. And also on the labor you charged a profit? A. Yes, sir.

Q. Are these hands that were at work on this job, hands that were

regularly employed by you in your shop, or were they temporary hands obtained when the work was required to be done? A. I had them in my shop; some of them had learned their trade of my father, and had continued along with me; sometimes I had to put on more men when I had a rush.

Q. The most of this material was material you had to go out to buy? A. Yes, sir all of it in fact; I charged to my customers, just as I have charged here, and all the bills will show that I have charged the same prices as appears in my claim here.

Q. In doing a large job for an individual, you would charge a little less than you would if you were only having one day's work done? A. If a man wanted to use two feet of black walnut and one hour's time of my men, I would charge higher than I would in a large job like this.

Re-direct :

Q. You stated that these prices for material and labor are just what you charge all your customers for your work? A. Yes, sir.

Q. Have you any knowledge as to whether Comptroller Hopkins examined this work before he made payment on this bill? A. I should judge he did.

Q. Do you know any thing about it? A. No, sir, I don't.

Q. This rubber moulding that was charged, wasn't there an established rate? A. Yes, sir; you could not get it only for such a price all over the country; I have charged the established rate; they had printed lists.

By the TREASURER :

Q. Did the Comptroller give you this certificate for the purpose of borrowing money upon it? A. Yes, sir.

Q. And to help you? A. I went to him and told him I must have the money, and he said, "there is money due you and if we had it in the department you would get it, but I can give you a certificate and you can go and get a loan of money on it."

Q. Did you borrow money on this certificate? A. Yes, sir.

Mr. WENDELL — Mr. Oliver borrowed the money of the bank of which I am cashier; I loaned the money on this certificate after talking with Mr. Hopkins about it; Mr. Hopkins said he had examined this work, and I was perfectly safe in loaning the money, taking Oliver's note as collateral; Mr. Olcott declined to pay for the reasons stated by him; I sent to Oliver to come and make the bank safe, and he secured me by bond and mortgage; the bank has no interest in this claim.

John Skillicorn, sworn for the claimants, testified :

I reside in the city of Albany, and am engaged in the carpenter business in this city — have been thirty years; I have been a boss carpenter twenty-five years.

Q. Do you remember the market price for carpenter labor during the period covered by this bill—fall of 1874, and spring of 1875? A. Yes, sir.

Q. What was charged for the labor of journeymen carpenters at that time? A. According to the skill of the mechanic; from \$2.75 to \$3.50; that is what I paid.

Q. What was charged customers by boss carpenters for the labor of journeymen carpenters? A. Four to \$4.25 per day.

Q. What was charged by boss carpenters for counter-top black walnut during that time? A. Twenty-two dollars a hundred; I paid that for it, first quality of walnut.

Q. What was first quality of white pine worth? A. Seven cents per foot.

Q. Wide white-wood, what was that worth? A. Six to 6 1-2 and 7 cents per foot.

Cross-examination:

Q. State for how low you bought walnut? A. I think 11 to 13 cents a foot; walnut strips about seven inches wide you can buy cheaper; you can buy them for about 11 or 12 cents; there is different grades in walnut, and the price increases according to the width and the age; it costs more if it has been six or seven years on hand.

Q. You can hire carpenters from \$2.75 to \$3.50? A. I could hire carpenters for \$2.75 that could build fences or rough work, but I could not find a man competent to do a first-class job less than \$3.50.

Q. Do you consider this a first-class job, working around on the Capitol? A. I should judge from the material used that it was.

Re-direct:

I am acquainted with a number of carpenters employed by Oliver in this work.

Q. Do you know them to be first-class? A. I consider them to be the best in the city; a number of them have worked for me.

Nathan E. Simonds, sworn for the claimant, testified:

I am a lumber dealer in the city of Albany, and have been for twenty-four years; I am acquainted with the price of lumber at my yard in the city of Albany, and was in the fall of 1874 and 1875.

Q. What was the best quality counter-top black walnut worth? A. Depend upon the width; black walnut counter stuff eighteen inches, would not be as much as two feet wide; two to three feet wide, at that time, would be twenty-two cents per foot; twenty to twenty-two inches wide would be worth twenty cents; eighteen inches wide would be sixteen cents; fifteen to eighteen inches wide would be worth fifteen to sixteen cents per foot; narrow stuff from eight to twelve inches would go as low as ten cents per foot; choice lots would be worth little more.

Q. What was the price of first quality white pine? A. I think it was sixty dollars as near as I can remember.

Q. What was extra width white wood? A. The same as pine; that is inch pine; five-eighth white wood would be five dollars less; the usual thickness of white wood is one inch, and five-eighths of an inch.

Q. You sell largely to carpenters in the city of Albany? A. Yes, sir.

Q. Do you know it is their custom to charge an advance on the price paid for lumber to their customers? A. I always understood it so.

Cross-examination waived.

Charles A. Nethaway, sworn for claimant, testified:

I am engaged and employed as book-keeper and clerk in the lumber business, wholesale and retail, for Simonds & Griswold, and was in the fall of 1874, and spring of 1875; I was acquainted with the price charged for lumber by dealers.

Q. What was the market price for counter-top black walnut? A. From fifteen to twenty-five cents, according to the width.

Q. First quality of white pine? A. I think it sold for about 6½ cents per foot; some very choice boards, charged as high as 7.

Q. How about white wood? A. I think \$60 a thousand.

Cross-examination:

Q. What kind of walnut would you sell for \$25? A. Two inches thick, two feet and over wide, sixteen feet long, without knot or check; inch boards twenty-two cents; first quality white pine six to six and one-half cents.

Q. What kind of white pine could you get for five cents per foot? A. About second quality; it was called "4th;" there would be knots and some places injured by sap; in some kinds of work could saw out bad places and use it as well as entirely clear stuff.

Q. Do you know that it was the custom of carpenters to charge an advance? A. Yes, sir.

Q. Do you know what the carpenters charged for the labor of men at that time? A. I don't remember.

William H. Barnard, sworn for the claimant, testified:

Q. At the time this work was done, was you in Mr. Oliver's employ? A. Yes, sir, as journeyman carpenter; I worked on the Capitol during this time; Mr. Martin worked on the Capitol at that time, also Blake, Durst, Feeley, Tomlinson, Jordan, Anderson, Hogan, Freest; William the Scotchman did not work but a short time; in regard to several of the names of these men, as are put down as working on the Capitol, I don't know personally that they did work there; I was working there from about the middle of October until within four or five days of the first of May. Anderson has gone to Omaha; Hogan is dead; Freest died within a year; William the Scotchman, and I have heard that Trailer, went to Scotland; don't know where George Wilson is.

Q. State what your practice was in rendering your time to Mr. Oliver? A. It was customary there, on work we done, for each man to keep an account of every thing he used, lumber, hardware, time

and cartages ; on Saturday night when the men were called to the desk, and on their reading it off as he had made the amount, this amount was taken down on sheets of legal cap, and I supposed Oliver transferred it to the books ; I noticed he used the sheets of legal cap every Saturday night. The account I rendered was correct.

Q. You were paid by the account you rendered ? A. Yes, sir, I had a book that I kept myself ; I had two books.

(The witness produced a book which shows the items.)

Q. Did each carpenter buy his own materials that are charged ? A. It wasn't the custom for each carpenter to do it in the shop ; on the Capitol whatever was required, I went and bought for the Capitol use for all the men ; I bought personally about all the hardware that was used on the Capitol ; I would often have on Saturday the whole of one single sheet covered with items.

Q. Did this statement that you rendered contain all the work you done for him ? A. Yes, sir, during the week.

Q. Was the statement for work done on the Capitol made up in the same manner as for private individuals ? A. Yes, sir.

Cross-examination.

Q. Did each statement show where the work was done ? A. Yes, sir ; he usually asked me when I gave a statement where I used the material and done the work, and I told him ; he sometimes said by whose order, and I told him sometimes by the superintendent of the Capitol, sometimes by clerks of the two houses, and sometimes the sergeant-at-arms would direct me to do the work.

Re-direct :

Q. What wages did you receive from Oliver during this time ? A. \$3.25 per day ; wages were reduced to \$3, but I don't remember when it was. I worked for Oliver about three years.

John A. Tomlinson sworn for the claimant and testified :

I am a carpenter ; I have worked at the business twenty-five years ; I have been a boss carpenter ; I worked for Oliver in 1874 and 1875 ; done work on the Capitol.

Q. Did you render your statement each Saturday night of the work you done and materials used ? A. Yes, sir.

Q. Did you make a true statement ? A. Yes, sir, as far as I knew how ; when we used nails we weighed them ; whatever we used were charged, that was in the shop.

Q. The statements that you rendered were correct, so far as you knew ? A. Yes, sir.

Q. Were you paid from this statement that you rendered ? A. Yes, sir.

Q. Did you understand that Oliver transcribed it on these sheets ? A. Yes, sir ; he wrote on the sheet the statement I rendered.

Q. How much did you pay ? A. I was paid \$3.25 most of the time, but was cut down twenty-five cents.

Q. Did you buy materials for this job ? A. Sometimes when we wanted things we would go down to the store, if it was hardware, and it was charged to Oliver.

Cross-examination :

Q. How long did you work for Oliver? A. I could not say; may be eight months.

Q. When did you commence work for him? A. I could not say; it was in the summer; I could not tell the time of year.

Q. How near can you guess at it? A. I could not swear positive.

Q. Can you tell whether you quit three or six years ago? A. I cannot bring it to my recollection.

Q. How much did he pay you when you first commenced? A. Three dollars and twenty-five cents per day.

Q. Did he pay you the same all the time you worked for him? A. Until the short days in the winter, when he cut down the price twenty-five cents, and made it \$3.

Q. What time did you usually quit work at night? A. Worked as long as we could see, and sometimes until the gas was lit, and always worked in the shop until six o'clock; when we worked in the Capitol, we worked until six o'clock by gas-light.

Q. When the short days came the wages were cut down twenty-five cents? A. Yes, sir; that wasn't the work I did for the State.

Q. If you worked one day for Oliver in the shop, did you get one price, and if you worked the next day on the Capitol, did you get another price? A. No, sir.

Q. What time in the fall was the rate reduced from \$3.25 to \$3? A. Some time in October.

Q. From that time through, until the long days, you got \$3 a day? A. Yes sir.

Q. Was your wages ever increased again while you worked for Oliver? A. We didn't work that winter; I left somewhere along in the winter, but could not state the time positively.

James Durst, sworn for the claimant, testified :

I am a journeyman carpenter; have been boss carpenter, and am now; I have been engaged in the carpenter business thirty-five years; I was in Oliver's employ in 1874 and 1875; I worked on the Capitol; I done some work in the shop for the Capitol and went to the Capitol and put it up.

Q. What wages did you receive while you were in Oliver's employ? A. \$3.50 per day; I am now in business for myself.

Q. Did you render weekly statements of the work you did and materials you used? A. Yes, sir.

Q. From that statement you received your pay? A. Yes, sir.

Q. Was the statement you rendered correct? A. It was.

Q. Both of the time consumed and materials furnished? A. Yes, sir.

Cross-examination :

Q. How long did you work for Oliver? A. Five or six years, off and on.

Q. Did you get \$3.50 a day all the time during 1874 and 1875, that you worked for Oliver? A. Yes, sir.

Re-direct :

Q. Do you remember about these other men, George Anderson, Joseph Hogan and Freest? A. Yes, sir; I saw then render their statements more or less.

Q. Did they render their statements the same as you did, those that you know? A. Yes, sir, I am not positive but that was the rule in the shop, to keep the items, and give them in Saturday night to Mr. Oliver.

David Martin, sworn for the claimant, testified :

I am a journeyman carpenter, and I live in the city; I worked for Oliver in the fall of 1874 and 1875; I worked on the Capitol job, both at the shop and Capitol; I received \$3.50 per day all this time.

Q. Did you render weekly statements to Oliver, each Saturday, of the work you had done, and materials you used? A. Yes, sir.

Q. Were your statements correct? A. Yes, sir, and I received my pay by those statements; I am in Oliver's employ now; commenced yesterday; I had been to work for him seven years, and left him last summer.

Cross-examination waived.

Seth H. Lay, sworn for the claimant, testified :

I am a journeyman carpenter, and in Oliver's employ; have been ever since I have been in business; I worked on this Capitol job in 1874 and 1875.

Q. Did you render weekly statements as detailed by the other witnesses on each Saturday night? A. Yes, sir.

Q. Were your statements true? A. Yes, sir.

Cross-examination :

Q. How much did you receive per day? A. Three dollars per day.

John Feeley, sworn for the claimant, testified :

I am a journeyman carpenter and have been twelve or fourteen years; I worked for Oliver in 1874 and 1875; I rendered weekly statements of work done and materials used, and my statements were true; I got \$3 per day; I work for Oliver now; Barnard and Tomlinson do not work for Oliver now.

Matthew Jordan, sworn for the claimant, testified :

I reside in Albany and am a journeyman carpenter; have been for fifteen years; I worked for Oliver in 1874 and 1875; I worked on the Capitol; I rendered weekly statements of work done and materials used, and my statements were correct; I got \$3 per day; I do not work for Oliver now; have not worked for him since then.

Robert K. Oliver recalled, and further testified :

It was general jobbing and repairs which I done at the old Capitol,

when the Senate chamber burned there was a great quantity of work done, and I had to do other work; I have done work for the State before; this work was ordered just as other work had been ordered, in the usual way.

Cross-examination :

Q. You had done other work on the Capitol? A. Yes, sir, and State house; the work done on the Capitol was ordered by Hopey; the work done on the State Hall, by the keeper of the State Hall, and the work done on the Geological Hall would be ordered by the superintendent of that hall. I have worked for the State since this claim.

Q. After the certificate of Hopkins, dated 1875, was given to you, did you go before the ways and means committee, the next session? A. No, sir.

Q. Why not? A. Comptroller Hopkins said he would look after that for me, as I did not know just how to act in the matter, didn't know just what to do.

Q. Was there any appropriation in the supply bill for this \$2,000, that was paid? A. No, sir.

Q. What appropriation was it paid out of? A. I could not say. I took out the large columns, but at another time; it was two years before that.

Q. This fire that you speak of, was that during the period that this work covers? A. Yes, sir, it was a fire from the heater; the timbers caught in the roof, and we had to cut off the roof timbers and put in headers; it caught several times; the Comptroller ordered that we should build scaffolds and point all around with cement, both on the outside and inside of the building. On the 1st of January I had to have pretty much all the men to carry the seats out of the building and carry up-stairs to get ready to have inauguration, and after that was over I had to carry them back, and put down the carpet and fasten the seats, and to put fastenings on. I had to do one thing that was general, and that was to furnish keys for every member for his desk. Each member would carry away all the keys he would have, and the next member located would have to have new keys, and I had to put new locks on a great many of the drawers; and I had to take all the drawers of the 128 seats and put in partitions. Peter Blake was my foreman; he fell off a building three weeks ago, and he is confined to his house; I paid him \$3.75; just before that I paid him four dollars; there was a time before this we paid all our men four dollars a day.

Q. What was the reason you did not get your pay before this? A. My bill came in in 1875, and it lay over that summer, and during that summer I got \$2,000 on account of the bill. I was then told the reason they did not pay me that they had no more money to pay; I went to the Comptroller and told him what I wanted; he gave me a certificate which I went and borrowed the money on; he told me he could not pay me until such time as the next Legislature made a provision for it; it run along; he went out of office the next January; Governor Robinson was Comptroller after Hopkins; I went to Comptroller Robinson several times, and on two or three occasions he was sick, and was not here, and the last time I went to see him he told

me that he considered I was charging too much for my labor and lumber and black walnut; I then offered to leave my bill out to any mechanic in the city of Albany, to see whether it was right; he didn't have any thing to do with it at all, and seemed not to want to have any thing to do with it; the matter went over until Olcott was appointed; I went to him and at last he said to me that he would advise me to go before the Board of Audit; my claim has been filed over two years; the first year I came before the Board of Audit, they did not reach it; it came up several times and they said I was last on the calendar.

Patrick Laden, sworn for the claimant, testified:

I am boss carpenter; I have been a carpenter thirty years; I have carried on business for myself since 1861.

Q. In the fall of 1874, and spring of 1875, what was the market price that carpenters charged their patrons for labor for the men, good journeymen? A. Good mechanics \$4.00 per day, and medium mechanics \$3.50, according to what class of work they were employed at.

Q. What did you charge for the first quality counter-top black walnut? A. Good dry wide material, eighteen cents per foot.

Q. What did you charge for good quality of pine? A. The very best quality of pine costs seven cents.

Q. How about white wood? A. Five or six cents.

Q. Extra wide white wood? A. About the same as pine.

Cross-examination:

Q. You say that is what you would charge your customers; was that the market price? A. About the ruling price.

Q. What do you mean by about the ruling price; take pine at \$70 per thousand; was that the ruling price? A. Yes, sir; \$70 was the top of the market for the best quality.

Q. Did the market price for the best quality vary? A. Not generally; I think the spring of 1875 was about the same as 1874.

Q. You charged your customers at the rate of \$70 per thousand? A. Yes, sir.

Q. You would expect to make a profit? A. That is what we charged our customers; of course we didn't pay that for it.

Q. How much did you have to pay, going into the market? A. Sixty to sixty-five dollars; we generally make a profit on pine lumber.

Q. Would it make any difference whether you did a job of a day or two, or a large job amounting to \$1,000, as to charges for labor and materials, when working for individuals? A. I don't know as I should.

Q. Don't think you would make any difference? A. No, sir.

Q. If you make an arrangement with an individual by which you are to supply labor amounting to several thousand dollars, and charging by the day, don't you think you would make a smaller charge for that kind of arrangement than where you work a day or two; is not that customary? A. Not as a general thing; it has not occurred to me more than once in my life to charge for men less than the going

price ; I would look different upon it if there was a special agreement.

Q. If you were only doing a little job that would take a day or two, would you charge more, a higher rate for material than you would for a job amounting to several thousand dollars ; is not that customary ?

A. No, sir, it is not.

Q. Is it not customary for carpenters and other mechanics who are furnishing work and materials on large jobs to do the work and furnish the materials at a less rate than on a small job ? A. I never experienced any thing of that kind myself.

Q. You have been in the habit of working some for the State ? A. Yes, sir, I have done work for the State ; I have worked for the State four years.

Re-direct :

Q. In these cases where you speak of doing the work for less than the market price, is where you make a special bargain ? A. Yes, sir.

Q. You have done work on the State Hall ? A. Yes, sir ; the janitor generally comes to me, and sometimes the heads of departments, or their deputy, would talk to me in regard to the work to be done in that department.

George Hopey, sworn for claimant, testified :

I was superintendent of the new Capitol from the 1st of May, 1872, to the 1st of May, 1875 ; I lived there in the building.

Q. Do you know of Mr. Oliver doing the work charged for in the bill you certified to ? A. Yes, sir.

Q. Was that work done under your direction ? A. Yes, sir.

Q. State what your practice about ordering work was ? A. I was notified by the Comptroller before I took possession that I must consult with him in relation to the repairs of the building ; I asked him, "suppose I want to expend \$5 only, shall I consult you in regard to that ?" And he said no, he would limit the amount to \$25 ; I have upon certain occasions taken the Secretary of State and Comptroller over there to show them what wanted to be done.

Q. State about these repairs, about your ordering, and about any work that was necessary to be done about the chamber ? A. I received orders from the Clerk of the Senate and Assembly, and from the Adjutant-General, and the Governor's private secretary ; they would often call upon me to have certain work done.

Q. Did you pursue the same course in regard to the carpenter work, that you had in regard to other work on the old Capitol ? A. Yes, sir.

Q. During the time you was superintendent ? A. Yes, sir.

Q. (Showing certificate to the witness.) Is that a copy of the certificate that was prepared by you after the completion of this work, and furnished by you to the Comptroller ? A. Yes, sir, I was requested by the Comptroller to furnish the certificate and attach it to the bill ; I presume this is a copy of the certificate ; I was requested to make a detailed statement of whether the work was done ; I did make a detailed statement and presented it to the Comptroller.

Q. Did you follow the instructions of the Comptroller in work requiring a large expenditure of money after consulting him ? A. Yes, sir.

Q. And the work charged for in this bill, where there was a large expenditure, you consulted the Comptroller and had his orders? A. Yes, sir, any thing over the amount of \$25, he desired me to consult him.

Q. Did you keep track of what the men were doing at that time? A. Yes, sir.

Q. Did you see Mr. Oliver's men working there? A. They were not working there all the time; sometimes they were working in the shop; there were two benches down in the basement which were used by the workmen. I made an affidavit which is attached to the claimant's claim.

The counsel for the claimant read the affidavit in evidence. Attached to claimant's petition, marked "D."

I held Mr. Oliver's bill for over two weeks to examine it. I asked Mr. Oliver to look over the bill where I had doubts about it. There was storm sash put in during the winter by Mr. Oliver. I was advised by the Comptroller to give a detailed statement.

Cross-examination :

Q. Was there an appropriation applicable to that kind of work done on the old Capitol? A. Not especially for that, no, sir; there was an appropriation for cleaning, and I paid for the same; on my certificate it says, repairs, cleaning and gas.

Q. This is not under the head of repairs? A. Yes, sir; in 1866 there was a deficiency of a certain amount for work for repairs, and a provision made in the supply bill for the payment of it.

Q. Your affidavit was made after your term had expired? A. Yes, sir; the certificate was made the 20th of May, after my term had expired.

Q. Are you interested in this claim? A. No, sir.

Q. No part has been assigned to you? A. No, sir.

Q. Or no arrangement by which you are to have any interest in it? A. No, sir; on two or three occasions the clerks of the Senate and Assembly have called upon me to make extensive alterations, and I refused to do it except I consulted the Comptroller.

Q. Did you consult with the Comptroller in regard to all these items where they exceeded \$25? A. I might have omitted to do so on certain occasions, but as a usual thing, I consulted with him in regard to that class of items.

Q. Did you make an arrangement before hand with Oliver in regard to the price he was to charge per day for carpenter work? A. No, sir.

Q. Did you make any special arrangement during the progress of this work as to what should be charged for material, pine and walnut? A. I would ask the price occasionally: What was the price of locks, and what would pine come at per foot.

Q. Did you ask before he got the articles? A. I asked before he got certain locks to put on the drawers; as a usual thing I would order work done; it was my business as superintendent of the Capitol to superintend what was going on, and I tried to discharge my duty.

Upon application by the counsel for the State, this case was ordered over to the April term for a further hearing.

OFFICE OF THE SECRETARY OF STATE, }
ALBANY, April 23, 1880. }

Board met pursuant to adjournment.
All of the members present.

In the Matter of the claim of Robert K.
Oliver
agst.
The State of New York.

Proceedings resumed from March 17, 1880.

John N. Parker, sworn on behalf of the State, testified as follows :

I have been in the carpenter business thirty-one years; I have a shop in the city; I had a shop on the corner of Steuben and Chapel streets for a good many years; about twenty-four years.

Q. During this time you have been in the habit of employing workmen in your business? A. Yes, sir.

Q. Have you examined your books at my request, during the period from the fall of 1874, and through the winter of 1874 and 1875, and spring of 1875, as to the prices that you paid workmen? A. Yes, sir; I looked over what I paid.

Q. What were the prices you paid to first-class workmen during that time? A. In 1874, I paid \$3.50 up to previous to the first of November, and after that I paid \$3 a day.

Q. And the balance of 1874, and up to May, or last of April of the ensuing year, what did you pay. A. I paid \$3.50 previous to November, 1874, and after that \$3 a day right along; I generally deducted the wages in the fall of the year.

Q. It is a custom in the trade to pay less during the fall or winter months? A. I don't know whether they all do, but it has been my custom more or less.

Q. What were the prices of pine lumber during that period, from first of October, 1874, through to the last of April? A. It would average, good quality of pine, \$50 to \$55.

Q. What was walnut worth? A. That would depend a good deal upon the quality; you could buy walnut from ten cents up to fifty cents; I have paid fifty cents. It depends upon what use you make of it; ordinary quality I would pay ten cents, but counter top cost more; the prices increase according to the width and quality; you can buy pine for \$30 and up to \$60; that would depend upon the quality; the average price of lumber was about \$50 to \$55.

Q. I requested you to look over the bill of the claimant, and you examined? A. I looked it over.

Q. Did you notice in looking over that bill how many days' work are charged for? A. I did not compute the number of days; I think you told me the number of days, didn't you? I did not compute it.

Q. It is 791 days. Assuming that is the number of days' labor which would amount to \$3,164—the whole bill is \$4,144, with the

balance made up of materials \$1,212. I want to ask you, what your opinion is, as to the proportion of labor to material furnished in this bill?

[Objected to by the counsel for the claimant on the ground that the witness is not qualified to speak in regard to the particular job. Question waived.]

Cross-examination :

Q. Is it customary for you to charge a certain sum in addition to the prices you paid workmen where you do work for others? A. It is.

Q. It is the custom of the trade, is it not? A. Yes, sir.

Q. And also on the prices you paid for lumber? A. Yes, sir, that is the way we live.

Q. Where workmen, in the fall, work by gas-light, and work the same as they do in the summer, do you make any deduction in their wages? A. Where they work ten hours, we pay just the same.

Q. What quality of walnut is used in working about desks and book cases? A. Depends a good deal what the width and thickness is.

Q. What would the quality of the lumber be; wouldn't you have to have good dry stuff? A. Yes, sir, I would, and would try to get it if I could; in regard to walnut it varies in price according to the width and quality.

Q. When you paid \$3.50 per day, what was the charge made for the time you worked? A. We charged one-half dollar a day additional for a man.

Q. In relation to good quality pine, what do you charge for that

Q. Do you remember that you had a large number of men employed? when you pay from \$50 to \$55, average price? A. Six cents.

Q. For walnut? A. If I paid ten cents for walnut, I charged twelve.

Q. If you paid fifty cents? A. Then I charged sixty or seventy cents.

Q. You have done work for the State? A. Yes, sir.

Q. From whom has it been customary to take orders for work? A. I laid floor in the Comptroller's office, and he ordered me to do it; when I worked in the Capitol, the superintendent ordered me to do it.

Q. You ran through this bill yourself? A. I glanced through it; all there is charged there is pretty much hardware; there is a little walnut and a very little pine; the locks are charged at certain prices; I could not tell much about them.

The counsel for the claimant presented and read to the Board entries from a register, produced for the purpose of explaining the progress of this case since the claim was filed, and why the same has not heretofore been heard.

The counsel for the State put in evidence the original bill taken from the files in the Comptroller's office, presented by the claimant to the Comptroller. Marked State's Exhibit No. 1.

The counsel for the State read the memorandum attached to Exhibit No. 1.

Evidence closed and case submitted for decision.

Points raised by the counsel for the State :

This is a claim upon a *quantum meruit*.

As a legal proposition it is in the nature of an action brought to recover what the work and materials are reasonably worth.

Itemized statements of account are not conclusive. Proof must be adduced to sustain them, and may be adduced to overthrow them.

The proof in this case is inadequate. No books of account or original entries are produced to show where certain work was done, by whom done, how much labor was expended on each particular job, how much time was consumed, and how much material was used in each case.

The burden is upon the claimant to make out such a case as that the Board can arrive at an intelligent and satisfactory conclusion as to the quantity and quality of work and materials furnished, and whether the claim is meritorious. In this he has failed.

It is within the judgment and discretion of the Board as to how much, if any thing, shall be allowed.

On motion, it is ordered that the claim of Robert K. Oliver be disallowed, the Treasurer dissenting.

No. 12.

At a meeting of the State Board of Audit, held at the office of the Secretary of State on Friday, March 12, 1880:

PRESENT — Joseph B. Carr, Secretary of State ; James W. Wadsworth, Comptroller ; Nathan D. Wendell, Treasurer — members of the Board.

No. 184.

In the Matter of the claim of George Mark, Milton H. St. John and Albert G. Sage <i>agst.</i> The State of New York.	}
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Claim for labor and materials furnished in the construction of the new Capitol, and for damages for alleged breach of contract on part of State ; amount claimed, \$25,000.

CLAIMANTS' STATEMENT.

Before the Hon. the State Board of Audit :

In the Matter of the claim of George
Mark, Milton H. St. John and Albert
G. Sage

agst.

The State of New York.

To the Hon. JOSEPH B. CARR, *Secretary of State*; the Hon. JAMES W. WADSWORTH, *Comptroller*, and the Hon. NATHAN D. WENDELL, *State Treasurer*, composing *The State Board of Audit of the State of New York* :

The statement of George Mark, Milton H. St. John and Albert G. Sage, the claimants herein, respectfully shows:

That in or about the month of July, 1870, the claimants and the State of New York entered into a mutual agreement and contract, wherein and whereby claimants, at the special instance and request of the State, agreed to develop certain granite quarries in the State of New York, and therefrom furnish and supply the State with stone for the construction of the new Capitol at Albany in said State, at and after the price and value of (\$22.50) twenty-two dollars and fifty cents per cubic yard, then and there agreed upon for each and every cubic yard of granite excavated from the said quarries, and by claimants delivered; and the State, then and there, and in and by the said contract and agreement, purchased and contracted for, and agreed to receive from claimants, all the product of said quarries which claimants should prepare and deliver for the purposes aforesaid, and also agreed to pay for all such product the said price and value of twenty-two dollars and fifty cents (\$22.50) per cubic yard thereof, for each and every cubic yard.

That in consideration of the said contract and agreement, and of the aforesaid promise and agreement of the State therein contained, and relying upon the same, claimants forthwith, and in good faith, entered upon the business contemplated, and opened and developed the said quarries, and prepared for the fulfillment of the said contract, and, in so doing, they were actually and necessarily put to great expense, and, in and about the the premises, paid, laid out and expended large sums of money, to wit :

For shipping earth from, and clearing quarries.....	\$3,500 00
For grading, cutting yard and constructing a necessary railway to, upon and from the quarries, laying tracks and switches, building embankments, etc.....	2,000 00
For derricks, cranes and machinery and tools.....	2,500 00
For the erection of a blacksmith shop, boarding- houses, etc.....	1,200 00

And claimants thereupon began the work of furnishing and supplying granite from their said quarries, under and in pursuance of the aforesaid contract and agreement, and thereunder they delivered to the State, and the State, under the said contract, received from claimants, a large quantity of the granite contracted for, as aforesaid, for which they paid claimants at and after the agreed price aforesaid ;

and the said contract was acted upon, and its terms fulfilled by both parties, to their mutual satisfaction, until the time next hereinafter mentioned.

That in or about the month of September, 1870, the State, without any cause, and without notice to, or the consent of, the claimants, and while the work under the contract was in progress, abandoned the said contract, and arbitrarily, and without any right soever, refused to receive any further deliveries of the granite contracted for, as aforesaid, and compelled the cessation of all work under the contract, which had, as aforesaid, been entered into by and between the State and claimants, and compelled claimants to abandon their quarries and their improvements made as aforesaid, of and upon the same, under the said contract.

That at the time of the aforesaid wrongful act of the State, claimants had, at their quarries, excavated and ready for delivery, under the contract aforesaid, a large quantity of granite, three hundred and twenty-five (325) cubic yards, to wit, of the value, according to the contract price, aforesaid, of \$7,312.50, which granite was, by the said act of the State, left upon claimants' hands, unavailable for any use except such as the State might have made of it under said contract; and by the said act of the State, all and singular the improvements made by claimants upon their quarries under and in pursuance of the said contract, as aforesaid, were rendered valueless, and an utter loss to claimants.

That by reason of the said wrongful act of State, in making breach of and abandoning the contract aforesaid, claimants were subjected to heavy loss, and they sustained great damage, to wit, in the sum of twenty-five thousand dollars (\$25,000).

That claimants acted upon and under the said contract, in good faith, and in all things faithfully and fully performed and fulfilled each and every of the covenants and conditions therein expressed to be performed by them, and tendered full performance, and have always been ready and willing to carry the same into the fullest effect.

That the loss and damage sustained by claimants, as aforesaid, through and by reason of the wrongful act of the State in making breach of, and abandoning the contract into which it had entered with claimants, should be paid them by the State, with interest from the time when the said act was committed, and the amount of such loss and damage, with the interest thereof, is legally and equitably due these claimants.

That the claim in question was in 1873 presented to the Legislature, and an act was then passed directing the then Comptroller to audit the same, but the said act failed to become a law; and claimants had before the passage of the said act, endeavored to have their claim adjusted by the said Capitol commissioners, by whom they were sent to the Legislature, but claimants have never received payment of their claim, or any part thereof.

That the nature of the proofs upon which the claimants herein rely, are the papers and records in the office of the Commissioners of the Capitol, and in other custody of the State, and claimants, vouchers and papers affecting the premises, and the oral testimony of the witnesses who may be produced by them.

That the names and addresses of the witnesses whom claimants pro-

pose to examine, are : George Mark, West Troy, N. Y.; Albert G. Sage, Syracuse, N. Y.; John Bridgford, Albany, N. Y.; William A. Rice, Albany, N. Y.

Wherefore, these claimants respectfully pray :

That the Honorable the Board of Audit hear their claim and determine on the justice and amount thereof, and allow such sum as it shall consider should equitably be paid by the State to the claimants. And they will ever pray, etc.

S. W. HOLCOMB,
Attorney for Claimants.

GEORGE MARK,
MILTON H. ST. JOHN,
ALBERT G. SAGE,
By D. M. MACKAY, *Agt.*

CITY AND COUNTY OF NEW YORK, ss.:

David M. Mackay, being duly sworn, says he is the agent of the claimants in this matter. That in the said claim the above-named claimants are united in interest. That he has read the foregoing statement and knows the contents thereof, and that the same is true of his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to such matters he believes it to be true. That the reason why this verification is not made by either of the claimants is, neither of them is within this county, where their attorney resides, and deponent's place of business is ; that all and singular deponent's knowledge is derived from, and his belief is founded upon the statements, oral and written, made to him by the claimants, and deponent's knowledge of the claimants' claim, and business affairs, he being the agent of the claimants in the premises, duly authorized to sign and verify this claim, and the foregoing statement thereof ; and deponent has not personal knowledge in regard of the allegations contained in the said statement, but he believes the said statement, and the allegations thereof are in all respects correct and true.

DAVID M. MACKAY.

Sworn to and subscribed, the 30th }
day of January, 1880, before me, {

FRANK W. HANAFORD,
Notary Public, Kings Co., N. Y.

Certified and filed in N. Y. county.

SIR — You will please take notice of the claim, of which the foregoing is a statement ; and that it is proposed, on behalf of the claimants, to move such claim on the second Wednesday of February, 1880, at ten o'clock in the forenoon, at the office of the Secretary of State, in the city of Albany, before the meeting of the State Board of Audit, then and there to be held.

Dated NEW YORK, *January 30, 1880.*

Yours truly,
S. W. HOLCOMB,
Attorney for Claimants.

To the Hon. JOSEPH B. CARR, *Secretary of State.*

STATE BOARD OF AUDIT,
OFFICE OF SECRETARY OF STATE,
ALBANY, *March 12, 1880.*

In the Matter of the claim of George
Mark, Milton St. John and Albert G.
Sage
agst.
The State of New York.

Wm. B. Ruggles, First Deputy Attorney-General, Counsel for the State; S. W. Holcomb, Counsel for the Claimants.

George Mark, sworn in his own behalf, testified as follows:

I reside in Watervliet, this county; I know St. John and Sage; I was a partner with them in certain granite quarries in this State, situated in the town of Hadley, Saratoga county, in 1870.

Q. Did you have a contract with the State Superintendent to deliver granite to them, at any time? A. Yes, sir.

Q. When was that contract entered into? A. Latter part of July, 1870.

Q. State just what that was? A. It was not in writing; I met the superintendent of the new Capitol, Mr. John Bridgford, and the commissioner, Mr. O. B. Latham, in Albany, between the 26th and 29th of July, 1870; I met them by appointment, and Mr. Bridgford asked me how rapidly I could get out granite, and said they were in want of stone and wanted it at once; I told them with the short time of preparation I could furnish the stone very rapidly, and a large amount of it; they asked me how much I could get out, and I told them I could get out all they would want that season of that kind of stone; after other conversation in regard to price—I was to have \$22.50 a yard; I had been delivering some, prior, for that price, of that kind of stone; I was instructed to go to the quarry and put on a force of men sufficient—

Q. State what was said? A. The conversation was that I was to go to the quarry and put on force of men sufficient, and make necessary preparations as rapidly as possible, to ship it on the railroad to them as fast as I could do so and as much as I could get out, up to between 4,000 and 5,000 yards, at that price; I immediately done so. I think on the 30th of the month there was an advertisement appeared in the *Argus* and other papers of "men wanted," and they were sent up to me from Albany by the superintendent of the new Capitol. I put them on to work and continued to get out the stone, and increased my help and facilities; Mr. Bridgford sent up some directions in addition to what I had, and I got other directions; I commenced to send the stone the 2d of August, and sent them through August until the 24th of September; I was then telegraphed to come to Albany, and was peremptorily ordered to telegraph to the quarry to stop the work entirely, and I did so. We had some forty yards of stone on the tracks at Albany and 325 yards of stone got out to dimension sizes, as given me by the superintendent on sheets of paper; that

stone was lying on the quarry side of the railroad tracks, ready to put on the cars to load, and it lays there still.

Q. State what you did toward the improvement of that quarry, and your outlay? A. I had been quarrying stone there prior to this conversation on a small scale, and I immediately commenced to put on a force of men to strip other portions of the rock, and took off large quantities of earth; I erected derricks and put in switches, so I could load six or seven car-loads at a time; I had to put up boarding-houses for the accommodation of the men; new blacksmith shops, etc. At the time I was stopped I had nearly, or quite, 300 men to work.

Q. What expenses did you incur? A. I have a memorandum which was taken from the moneys I paid. I have not got the original. I paid out money for expenses attending the stripping, taking off of the timber, and digging out roots. I disbursed \$3,500; that was for stripping the earth and digging out the roots of the trees. It was covered by trees and forests; also digging off the debris. The expense was \$3,500. For the railroad track, switches, embankments and grading it cost me \$2,000. The derricks, cranes, machinery and tools cost me \$2,500. The blacksmith shops and boarding-house cost me \$1,200. I built them as cheap as I could. Those derricks remain there. I expected they would take the 325 yards of stone. The derricks remained there until they rotted on the premises. I expected, at any time, to deliver these stone I got out.

Q. Was that the total amount of your outlay? A. Yes, sir.

Q. What is the outlay as you make it? A. Six thousand one hundred dollars for the outlay. Then I figured up the 325 cubic yards of granite remaining on the quarry, amounting to \$7,312.50. I haven't paid the freight, and that should be deducted. The stone is still there.

Q. Would you have made these improvements on the quarry, except for this contract? A. I certainly would not. I would not have been justified in doing it.

Q. After the receipt by you of the telegram to which you have testified at the time the contract was canceled by the State, state whether you tendered performance of that contract? A. I did.

Q. Have you always been ready and willing to perform that contract? A. Yes, sir.

Q. Has the State refused to procure the performance? A. At that time Mr. Rice told me that they would try to take that stone and use them.

Q. Did they take them? A. No, sir.

Q. State how much stone you delivered under that contract? A. I have not figured out the quantity, but here is the shipping bills of every car-load as shipped through the month of August, 1870, commencing the 2d, and running up to September 24th, as billed by the Rensselaer & Saratoga railroad, and charged to Capitol commissioners:

August	2d, two car-loads of granite, charges	.....	\$50	25
do	3d, two	do do do	.....	61 95
do	4th, two	do do do	.....	46 80
do	5th, four	do do do	.....	92 85
do	8th, four	do do do	.....	83 33
do	9th, three	do do do	.....	41 55

August 10th, three car-loads of granite, charges					\$71 85
do 11th, two do do do					44 85
do 12th, two do do do					39 15
do 13th, four do do do					79 65
do 15th, four do do do					79 95
do 16th, three do do do					67 50
do 17th, five do do do					112 50
do 18th, five do do do					122 78
do 20th, five do do do					122 48
do 20th, five do do do					117 45
do 22d, three do do do					67 20
do 23d, three do do do					76 95
do 24th, three do do do					96 90
do 25th, five do do do					118 65
do 26th, five do do do					110 03
do 27th, five do do do					121 95
do 29th, four do do do					101 10
do 30th, four do do do					101 25
do 31st, three do do do					86 40
Sept. 1st, two do do do					56 25
do 2d, three do do do					73 80
do 3d, six do do do					149 63
do 5th, four do do do					105 00
do 6th, five do do do					126 00
do 7th, five do do do					126 30
do 8th, five do do do					128 40
do 9th, five do do do					108 45
do 10th, three do do do					76 05
do 12th, four do do do					104 10
do 13th, five do do do					154 65
do 14th, five do do do					161 25
do 15th, five do do do					165 83
do 16th, four do do do					135 90
do 17th, four do do do					134 70
do 19th, three do do do					92 55
do 20th, five do do do					156 90
do 21st, five do do do					168 45
do 22d, two do do do					67 50
do 23d, two do do do					65 88
do 24th, two do do do					71 10

Q. The work was then stopped by the Capitol commissioners?

A. Yes, sir; that stone was delivered under this contract; it was accepted by the State; the State used it in the foundation of the tower, and the entire course.

Q. Has your claim ever been presented by you to the State, before this? A. Yes, sir, in the winter of 1873.

The counsel for the claimant here offered in evidence Assembly Document No. 100 for the year 1873; also Assembly Journal, pages 462, 692, 957, 1113, 1201, 1321, 1322, 2162, 2163, 2285; also Senate journal for the same year, pages 741, 1108, 1196, 1198; offered

at this time that it may appear that this claim was presented to the State, the testimony taken before the committee on claims, and that it was found there was a contract made by these parties with the State.

Q. Has your claim ever been paid? A. No, sir.

Q. Or any part of it? A. No, sir.

The counsel for the State objected to the competency of the documentary proof; that the testimony of the witness is the best evidence; denies that the proposition before the committee, which did not become a law, is proof of itself sufficient to stand before this Board so that it cannot be contradicted; that it is not only not conclusive, but it is not legal evidence.

The Board admitted the testimony.

Q. Who was present with you and Bridgford at the time you entered into this oral contract? A. Capitol commissioners Latham, Mr. Bridgford and Mr. St. John. Mr. Bridgford was superintendent of construction.

Q. What did that stone cost you to get it out? A. Cost, portions of it, when we first commenced getting out, more than after. It varied from \$12 to \$15 per yard.

Q. Under this contract the profit as you consider, per cubic yard, would have been from \$7.50 to \$10.50 per yard? A. Yes, sir; less the freight.

Q. Do you remember what the freight was? A. About \$2 per yard.

Q. What value had that stone left upon the quarry, at that time? A. Being got out at dimension sizes it had no value at any other place except for breaking up for paving blocks.

Q. Supposing it was broke up for paving? A. It would have cost as much to change the size as to get it out of the original rock. It would have cost as much to make it available for paving purposes as the stone was worth.

Q. State whether it was necessary to build railways there, and what they were? A. It was necessary to build railways to get the cars under our cranes to ship and load the stone. We had to build large embankments, long enough to load a train of cars of six or eight at a time. It was a new country and we had to get out the stumps and roots. It was an extensive job.

Q. You have ascertained the item of \$2,500 for derricks, cranes, machinery and tools. Have you allowed the State for derricks sent up there? A. Those were returned; I only had them temporarily.

Q. How many men had you at work, at the time you entered into the contract? A. At the time we had about ten men.

Q. How many men did you put on the work subsequently, and between that time and the time the contract was canceled? A. I had, when I telegraphed to stop work by order of the commissioners, 300. The commissioners told me to telegraph to the quarry and stop the work.

Cross-examination:

Q. Whereabouts is this quarry located? A. Town of Hadley,

Saratoga county, on the line of the Adirondack railroad, twenty-seven or twenty-eight miles from Saratoga.

Q. How far is the quarry from the Adirondack road? A. We were quarrying stone by relative distance — I never have measured it — as far as from here to the upper end of that park; we will say 700 feet.

Q. Was it from that track that you built that railroad? A. I commenced to build the railroad so as to bring the switch upon a perfect curvature.

Q. How long had you had this quarry open, at the time the contract was made? A. A year prior to that, in a small way.

Q. How many men had you had engaged at any one time before? A. From ten to fifteen men.

Q. Who were the Capitol commissioners at the time this agreement was made? A. The Capitol commissioner I made the arrangement with was O. B. Latham, and the superintendent, Mr. Bridgford. I don't know how many Capitol commissioners there were at that time. I knew but two of them, Messrs. Rice and Harris, prior to that day.

Q. You don't know whether Rice was Capitol commissioner then? A. Yes, sir, he was.

Q. You think Mr. Hamilton Harris was commissioner then? A. Yes, sir, I think he was.

Q. This agreement was made in Albany between yourself on one side, and Mr. Latham and Bridgford, the superintendent, on the other? A. Yes, sir.

Q. State the conversation between you at that time? A. It was in the latter part of July between the 26th and 29th, 1870.

Q. Whereabouts in Albany was the conversation? A. It was in some office, and I don't exactly recollect the location. My partner, Mr. St. John, sent for me; we met Bridgford and Latham in the office in Albany; Mr. Bridgford asked me how fast we could get out stone at this Adirondack quarry, stating that they wanted this stone or they would have to quit work at the Capitol; they wanted to know how fast, and how many I could get out, and how fast I could send them. I told them with the short time for preparation I could send very rapidly. Mr. Latham, in conversation, and Bridgford together talked over how many stone they might want during that season; that they wanted them or they would have to stop work; after talking it over about the stone I was to go to the quarry — it is a good while ago — they wanted a certain amount of stone; Bridgford said they wanted a certain amount of stone, and wanted them as fast as possible; they said they wanted over 4,000 yards; Latham wanted to know how soon I could get them, and I told them I could get the stone as soon as I was prepared, from twenty-five to thirty yards per day, and possibly more; Mr. Latham told me to go back and put on all the men I could and send on the stone as fast as I could, and I done so; I started all the men to the quarry and on the 30th, I noticed that advertisement, and men began to come, aside from what I sent, from twenty-five to thirty per day. I had to make preparations to keep them; had to rent barns for the time being.

Q. How much were you paid for the stone that you delivered and they accepted? A. I was paid \$22.50 per yard for the stone I delivered.

Q. Can you tell how much you were paid altogether? A. I cannot now, sir.

Q. Can you approximate it? A. I think I was paid some \$10,000 for what I delivered.

Q. Can you tell by looking over those freight bills, near what that would come to? A. I could figure it up in the course of an hour.

Q. By getting the amount of tonnage of each car you could tell very closely? A. Yes, sir, very closely.

Q. Did you ever go before the Capitol commissioners with this claim? A. Yes, sir, I have asked the Capitol commissioners to take this stone that we had left, and pay us for our disbursements.

Q. Was any thing said about putting this in writing? A. No, sir.

Q. Didn't it occur to you that the contract of that you was making, involving the getting out and delivery of stone that would come to over \$100,000, there ought to be some writing about it? A. What occurred to me was the necessities of the moment, at that time; I was ready to go at once; I didn't think of any thing else but to get the stone as soon as I could.

O. B. Latham, sworn for the claimant and testified as follows:

I reside in Seneca Falls, New York.

Q. Were you ever on the new Capitol commission? A. I was I think, from May, 1866, up to April, 1871; I was appointed by Governor Fenton; I was Capitol commissioner during the month of July, 1870; I am acquainted with George Mark and Milton H. St. John; I was not particularly acquainted with Mr. Sage, but I have met him.

Q. Do you remember what the condition of work upon the Capitol was about the middle of July, 1870? A. I don't know as I could state it, not being superintendent; the work was being crowded very rapidly.

Q. Had you more material than you could use or was it short? A. There was a large force engaged on the Capitol in the month of July.

Q. Do you remember about how many? A. Several hundred men.

Q. Was there material enough on hand all the while to keep the men busy? A. Bridgford, the superintendent, was claiming that it did not come fast enough, and wanted more material.

Q. Did the Board take the matter into consideration? A. The matter was speculated upon among the members of the commission, and I think the resolution was passed—the fact, I know from the minutes—on the 14th of July, 1870, requesting myself to visit the Champlain quarries, and Dix Island quarries. I visited the Champlain quarries on the 27th; I left Albany on the 22d and returned on the 25th; on the 26th I left Albany for Dix Island in the State of Maine, and returned on the 29th of July, and stated the condition of the work at Champlain quarry as I found it; it was limestone; the facilities were not adequate for the force on the building. The facilities they had for quarrying was very proper in itself, and sufficient for the force they had there, but as to the ability of the quarry to furnish all that was required for the force here, of course it hadn't that capacity.

Q. When you came away from Champlain did you see Bridgford? A. Undoubtedly, but I could not tell; I saw him every day.

Q. Do you remember having seen the other members of the commission and made any report, orally, or in writing? A. Oh yes, I met the members of the commission, Mr. Rice and Harris.

Q. Was there any direction given by that board, or by any of the members of the board, concerning your pressing forward stone from other quarries, in case your facilities were not enough in that quarry?

[Objected to, on the ground that the minutes of the board of commissioners should show what the proceedings were.]

A. On returning from Champlain I stated to—I must say I have to express myself in some general terms, not having any memoranda as to particular conversations—the facts in connection with this—the State had a contract through the board of Capitol commissioners, with Larned & Dickson, to furnish stone to a certain height of the building, and for certain portions of the foundations. They were proprietors of the Champlain quarries as I so understood; they had control of the quarries. Knowing the fact that these gentlemen, Mr. Mark and St. John, had been furnishing stone for Larned & Dickson—Larned & Dickson were getting stone from different quarries; they were to furnish stone of certain qualities, dimensions, etc., these parties, that is Mark and St. John—knowing the fact that they had been furnishing, and had facilities for furnishing more, and this demand and necessity for more, why it was suggested—I am speaking now generally; I don't claim I acted independently of my associates; I don't claim that I had any such authority; and never assumed to make a specific contract with any one. In general talk, by a general consultation it was deemed advisable to have these parties, Mark and St. John, furnish more stone; of course I have listened to the testimony of Mr. Mark; the specific time I cannot give. Larned & Dickson were having certain prices for granite, and certain prices for limestone. My impression and understanding was that they were to have like pay, and I had the impression, of course, that this stone was coming from the other sources.

Q. State in regard to Mark and St. John; it was deemed advisable to get out more stone? A. We wanted more stone of course.

Q. Did you see them in pursuance of that; it was deemed advisable to get out more stone, did you see them on that subject? A. I did; they saw me; they saw Bridgford; I don't think I ever—I must say this, that those gentlemen coming to me personally, alone, and making a specific contract with me I have no recollection of that kind, but in a general consultation—for instance Mr. Bridgford and Rice and Mr. Harris—we were in the habit of coming together. That was a very common thing, and probably at one of those consultations, I know that I assented to have some stone furnished by these parties, Mark and St. John.

Q. Was the price ever talked about? A. I cannot say.

Q. What was the reason that it was thought advisable to have more stone furnished by these gentlemen? A. The material did not come fast enough to accommodate the force that was employed; there was a very large force employed here in laying the stone.

Q. When did you first see Mark and St. John on this subject, between the time you made a visit to the Champlain quarry and the time you went to Dix Island? A. I think that was the time.

Q. What was your object in going to Dix Island; was it to see whether granite should come from there? A. The object was to ascertain the facilities for furnishing the granite.

Q. Did the Dix Island quarry furnish the granite which was proper to be used for the purpose that you desired the Mark and St. John granite? A. *That* was to be used in the superstructure.

Q. So the Dix Island quarry could not furnish the stone you needed? A. No, sir. I returned from Dix Island on the 29th.

Q. Did you see any of your colleagues at that time? A. No, sir.

Q. Did you see Mark and St. John, or either of them, on that day? A. I cannot say.

Q. Do you remember whether or not Bridgford, immediately on your return from Dix Island advertised for a large number of men? A. I saw it in the paper the next morning.

Q. Was that advertisement issued under your direction? A. I don't know; I saw the advertisement in the paper.

Q. Do you remember the day on which that advertisement was issued; was it immediately upon your return? A. I think it was about the first of August.

Q. Did you see Mark and St. John after the advertisement was issued, in company with Bridgford or alone? A. It was about the time that—I know there was directions left here and I understand they were going to that quarry; I never saw them there; I never visited the quarry.

Q. Do you know where the men were to be sent, that Bridgford advertised for? A. I supposed they were going to the quarries.

Q. Do you know as a matter of fact that it was so; that they were to be sent to the Hadley quarry, in Hadley, Saratoga county? A. I didn't get up the advertisement; I must state my impression was they were going to these quarries.

Q. You spoke of a resolution of the board that was passed on the 14th day of July? A. Yes, sir.

Q. Please read that? (The witness read the resolution. Counsel for the claimant offered the resolution in evidence. The same was received.)

Q. That resolution seems to be limited to the Dix Island and Champlain quarries? A. Yes, sir.

Q. Do you remember why you extended your investigation beyond the Dix Island and Champlain quarries; how it happened, while that power was limited to the Dix Island and Champlain quarries, that you saw these gentlemen? A. I didn't seek them; as I undertook to explain myself in the outset, not having memoranda as to particular conversations, I cannot speak only in general terms; a consultation with Harris, Rice and Bridgford that it was necessary to crowd this matter and have more material brought in—why, such conversations were held, urged and advanced that these quarries should increase the force; Larned was urged with the others; the force here engaged required more material, and it was deemed advisable to have Mr. St. John and Mark furnish more stone; I made no definite contract, I made no especial and particular contract with Mark and St. John to furnish; Mark and St. John had been furnishing for Larned & Dickson, and the idea that they might furnish them more readily was of course deemed to urge them on, and we would see that they would be paid for it through

Larned, and I was impressed—there had been no measure taken after Mr. Larned had abandoned the contract; I am speaking as commissioner at that time; they furnished more stone, and it was done at the solicitation of those constituting themselves independent of the organized board; the board had Mr. Bridgford engaged here as superintendent of construction; the commissioners took more or less interest; we were in a great hurry for material; Mr. St. John and Mark were urged to furnish more stone; to go into the particulars as he has stated—I have heard the testimony—my memory does not serve me in all particulars; I know they furnished stone.

Q. Do you know any thing at all about whether they did or did not cease to deliver the stone as sub-contractors for Larned & Dickson before this time? A. Yes, sir; Larned & Dickson—I think Larned himself told me that he had requested them not to furnish this stone.

Q. Before this time? A. I think so; I got that information from some sources; they were not to furnish—

Q. Do you know for how long a time they had been furnishing stone; do you remember? A. No, sir; I don't remember particularly.

Q. Was there any reason why the Capitol commissioners desired this Saratoga granite; did they prefer it to any other? A. It was a suitable, strong and durable material.

Q. The Champlain quarry was furnishing limestone? A. Yes, sir.

Q. The Dix Island quarry was furnishing too fine a granite for this purpose? A. Yes, sir; the Saratoga granite was good material. The disposition was to get all the material possible within the State.

Q. Do the facts that you have stated refresh your memory as to the reason why you saw Mark and St. John, or they saw you? A. We knew the fact that the Dix Island stone was calculated for this particular work. This granite was used in the general foundation walls, and there was a certain portion of granite in the course, that came from these quarries.

Q. Was it granite that you needed at that time? A. Yes, sir; it was that particular quality of stone.

Q. The granite that you needed at this time was this particular granite? A. The condition of the work—of course I haven't got it in my mind—the small course had been started with this Saratoga granite, and to continue this course that granite was needed at this time.

Q. Mark and St. John had ceased, before this time, to deliver stone under their sub-contract? A. Yes, sir.

Q. Is not that the reason why you sought these people, or they sought you?

[Objected to.]

Q. Were these things the subject of conversation with the board, or had it been left with Bridgford, by direction of the board, concerning this granite? A. Bridgford was instructed to go on—to push the thing ahead—this particular work ahead.

Q. Do you remember that Mark and St. John made a delivery of stone under this arrangement that you had with them? A. Yes, sir; they furnished granite after that.

Q. Did they make the deliveries to the State? A. They made the deliveries here to the State, and they were received under the measure—

ments of some of the foremen as other material was received. They had their inspectors and measurers.

Q. When did you leave the board? A. I think it was in April, 1871.

Q. Do you remember, whether between the time this arrangement was made and the time you left the board, Mr. Mark or St. John, or either, made any claim on the Capitol commissioners for payment? A. I don't recollect; I know—I wasn't on the executive committee; I don't remember that they did; or heard of it afterward.

Cross-examination :

Q. Do you recollect the occasion that Mr. Mark speaks of, when you and Bridgford met him in some office in Albany, and as he says an arrangement was made by which he was to deliver granite? A. I cannot bring any location to mind.

Q. He says you made an arrangement or contract by which you agreed to take some 4,000 cubic yards of granite at \$22.50 a cubic yard. Did you make any such agreement? A. I don't recollect any such thing.

Q. What is your impression about it? A. They had been furnishing stone—of course I had no idea of prices.

Q. Did you make an agreement with him by which you agreed to take over 4,000 cubic yards of granite? A. I cannot recollect of making an especial agreement of that kind.

Q. Do you remember of making an agreement, and if so, what was it? A. I do recollect that they were to furnish more stone; they were requested to furnish more stone.

Q. Who were they requested by? A. When I say "they," I mean my associates Harris, and perhaps Mr. Pruyn, and Mr. Rice and Bridgford; it was the assent or advice of the consultation outside of the board that they might furnish, and that they would furnish.

Q. Can you remember what arrangement you made? Did you make any such contract as I have stated? A. I have no recollection of making any such contract.

Q. What is your best impression about it? A. My best impression is this, that the contract was made, or agreement made, between ourselves—that is, Bridgford, Mark and St. John—I cannot dispute but what I may have been with these gentlemen as represented.

Q. Did you make a contract with him? What is your best impression as to this fact, whether you and Bridgford made a contract with Mark and St. John to furnish 4,000 cubic feet and upwards of granite, or what is your best impression whether you made a contract with them for any specific or definite amount of granite? A. I know there was an arrangement made; it was made with my knowledge and my associates.

Q. What is your best impression as to whether you made an arrangement on the occasion referred to with them to furnish any specific amount of stone? A. I recollect there was an arrangement made, and I was a party, you may say, to it; that they were to go on and furnish more granite, this same material that they had been furnishing.

Q. What is your best impression as to whether you contracted with

them to deliver any specific amount of stone? A. I cannot state as to the specific amount. The idea was —

[Objected to.]

Q. What is your best impression as to whether you made a contract with Mark and his associates for the delivery of any specific amount of stone? A. They were to furnish until such times as the commissioners saw fit to tell them to withhold.

Q. That is your understanding of the arrangement? A. Yes, sir,

Q. After this resolution was passed on the 14th of July, 1870, by the board of new Capitol commissioners, was there another meeting of the board before you had had this talk with Mark? A. No, sir.

Q. There had been no meeting? A. It was a recess of the board from the 14th of July, I think, until about the last of September.

Q. There was no meeting from the 14th of July until September? A. Yes, sir, I think that is so.

Q. Have you examined the minutes of the board of new Capitol commissioners? A. Yes, sir, some — let me see. I know there was quite a recess.

Q. When was the direction given to them to cease sending granite? A. I cannot say.

Q. There was a meeting of the new Capitol commissioners in September? A. I think there was.

Q. Was there any action taken by the new Capitol commissioners on this matter of the granite furnished by Mark & Co., at the meeting in September? A. The granite that they furnished, of course — (Question repeated.)

A. I don't think there was; if there was, the minutes would show.

Q. Was the meeting in September previous to the notification given to Mark & Co. to stop furnishing granite? A. I cannot say when they stopped furnishing, or when this was given to them.

Q. Do you remember of the fact of the new Capitol commissioners acting upon the matter of stopping this delivery of granite by Mark, at any meeting of the board? A. No, sir, I don't.

Q. Do you know any thing about the fact that the orders were countermanded or that they were directed not to furnish any more granite? A. No, sir.

Q. How long did you continue Capitol commissioner? A. Up to April, 1871.

Q. Do you remember that they received directions not to deliver any more? A. The action of the board I cannot say —

Q. Do you recollect the fact that directions were given for them to stop delivering granite? A. No, sir.

William A. Rice, sworn for the claimant and testified as follows:

I reside in Albany.

Q. Were you a member of the Capitol commission? A. Yes, sir; in 1870.

Q. Do you remember any arrangement that existed between the Capitol commission and Mark and St. John, concerning the delivery of granite by Mark, St. John and Sage, that year? A. I cannot say positively.

Q. Did they deliver granite? A. They did.

Q. Did they deliver it during August and September? A. Yes, sir; I think they did deliver through those months.

Q. Do you remember that Mr. Latham was authorized to visit Champlain and Dix Island quarries? A. Yes, sir.

Q. Do you remember what Latham reported the condition of affairs was, at either of those places? A. No, sir.

Q. Do you remember what the condition of the work on the Capitol was at the time spoken of; was there material enough to keep the hands supplied? A. No, sir; we were in want of stone very badly, all kinds of stone for the foundation; I remember the granite.

Q. Were you in want of that stone? A. Yes, sir.

Q. Do you remember that any arrangement was had by which Mark and St. John, after the passage of that resolution, during July, August or September, were to deliver that granite for use here in the Capitol. Do you remember that there was any arrangement with those gentlemen, by which it was to be delivered? A. Yes, sir; there was an arrangement that they were to deliver.

Q. Did Mark and St. John deliver granite during July, August or September to the Capitol commissioners, which was used here for the purpose of construction? A. They delivered it at Albany and the Capitol commissioners took possession of it.

Q. And they accepted it and used it? A. Yes, sir.

Q. Why were Mark and St. John and Sage sought to deliver that granite; you had no contract with them up to this time? A. No, sir.

Q. Why did you desire them to deliver this granite? A. Because it was suitable stone for the purpose of the work, and we wanted to get it, and did try to get a large portion of this stone.

Q. Do you remember any report that Latham made concerning either of these quarries after he visited them? A. No, sir; there was no formal report; I cannot remember any conversation.

Q. Don't remember any direction that was given to him to see these gentlemen? A. No, sir, I don't.

Q. Do you remember that you had a large number of men employed? A. Yes, sir; between 600 and 700 men.

Q. Could you have got granite such as Mark and St. John were capable of furnishing you, from any other source?

[Objected to as immaterial.]

Q. Do you remember of Mark and St. John having demanded payment of the commission? A. I do.

Q. Do you remember when they made that demand? A. I could not; they were constantly asking for pay when they delivered stone; every month; we were in the habit of paying monthly.

Q. Do you remember they made any demand upon you for reimbursement of the outlay they had made; upon your commission? A. Yes, sir; subsequent to this; I don't remember the first time.

Q. Do you remember whether or not the Capitol commission gave Bridgford any direction to get granite from those people, during the summer of 1870? A. I cannot remember positively that there was any direction, but I think he was by assent; the commission never made any price; I don't think the commission ever fixed the price.

Q. What was the course of business? A. The course of business was that there was a contract made for this granite and all granite for the foundation.

Q. Was the price agreed upon? A. It was; the contractors on one side and Capitol commissioners on the other; Bridgford never made any prices; he was a superintendent during this time I am speaking of.

Cross-examination:

Q. It was the custom for contracts of material to be made by the Capitol commissioners on one side and with the contractors on the other; that was the usual custom? A. Yes, sir.

Q. Was there ever any resolution passed by the board of Capitol commissioners authorizing Mr. Bridgford to make a contract with Mark for this granite? A. I have no recollection of any.

Q. Was it also the invariable rule that when contracts were made by the new Capitol commissioners, that those contracts were made in writing? A. Not in all cases; written contracts were not made in all cases for material.

Q. What made the distinction between the cases where written contracts were made and those where they were not made? A. The magnitude of the transaction.

Q. Would a one hundred thousand dollar transaction come within the class of those made in writing? A. It would be likely to.

Q. Do you remember the fact that Mark & Co. were directed to stop delivering in September? A. I cannot tell exactly when; sometimes they were stopped.

Q. Do you remember what the occasion of their being stopped was? A. I think the contractor for the stone refused to take any more of them.

Q. Who do you mean by the contractor for the stone? A. I mean Larned & Dickson.

Q. There was a written contract between the new Capitol commission and Larned & Dickson, for the delivery of the stone? A. Yes, sir.

Q. Who was paid by the Capitol commissioners for this stone delivered from the Hadley stone quarries—did the commissioners pay Larned & Dickson, or Mark & Co.? A. Always paid Larned & Dickson.

Q. Are you pretty clear about that; your understanding is that the payment was made for this granite delivered by Larned & Dickson? A. Yes, sir; with the exception that there was granite—refuse granite that would not answer the purpose, and the State finally took it and used it for other purposes.

Q. Who did they take it from? A. This firm of Mr. Mark's, and paid them direct for it.

Q. Then, so far as you, one of the new Capitol commissioners, are aware, there was no contract between the State and Mark & Co., for the furnishing of stone, except this refuse granite? A. Yes, sir; I think there was, so far as Mr. Bridgford and Latham were concerned, a verbal contract urging them to go on and furnish stone.

Q. You think there was a verbal contract between Bridgford and Latham to furnish this stone? A. Yes, sir; I think there was,

Q. Do you know what the terms of that verbal contract were? A. I do not.

Q. What was the understanding of the new Capitol commissioners in regard to this stone which came from the Hadley quarry, and was delivered to the State in the name of Larned & Dickson ; whether they understood that it was being delivered under the written contract they had with Larned & Dickson, or in connection with the verbal arrangement which had been made by Bridgford and Latham and Mark and St. John ? A. The Capitol commissioners, through Latham and Bridgford, took the responsibility of getting this stone, but always supposing it was subordinate to the contract with Larned & Dickson.

Q. When did the new Capitol commissioners authorize Bridgford and Latham, or Bridgford, to make any arrangements with Mark ; I mean on what occasion, or about the time ? A. It would be impossible for me to say.

Q. Was there ever any action taken by the new Capitol commissioners as a board, at any meeting of the board, authorizing Bridgford to make any arrangement whatever with Mark & Co., for granite ? A. In regard to everybody that was getting stone, there was always authority given to Mr. Bridgford as superintendent.

Q. Was there authority given to Bridgford by the new Capitol commissioners to make contracts ? A. I am not talking about the contract ; I am talking about the stone.

Q. There were several contracts outstanding at that time ? A. No, sir, not for stone.

Q. Was there any contract with any parties about Dix Island, or any quarries down there ? A. Yes, sir, that is Larned & Dickson.

Q. Who were the parties running the Champlain quarries ? A. They were the same parties.

Q. The new Capitol commissioners did not authorize, at any time, Mr. Bridgford to make contracts, but to hurry up contractors who had already made contracts ; what kind of authority did they give to Bridgford ? A. They gave Mr. Bridgford authority to do all in his power to promote the getting of stone rapidly from the quarries that had been selected.

Q. You don't mean by that that they gave him authority to make contracts to deliver the stone and fix prices ? A. No, sir.

Q. That was not part of his business as superintendent ? A. No, sir, I should think not.

Re-direct :

Q. Do you know whether Latham received from that board any specific authority to get stone from sources other than those for which a contract existed ? A. No, sir, I don't know whether he did or not ; I don't think he did ?

Q. The time did come when the Capitol commission did decline to receive stone ? A. Yes, sir.

Q. And told them to stop ? A. I don't know whether the Capitol commissioners told them to stop or not ; they were told to stop by some one.

Q. You had supposed that this work was being done by Larned & Dickson ? A. I did.

Q. What was it that disabused your mind of that fact ? A. I don't know that it was disabused.

Q. Did Larned & Dickson expressly repudiate and refuse to permit the thing to go on? A. They did.

Q. That was the reason that the work stopped? A. I understand it so; I supposed they had taken as much stone as they wanted to take and had stopped, although they had authority from Bridgford and Latham to go on and get more.

By the COUNSEL FOR THE STATE:

Q. What was this about Larned & Dickson repudiating this matter? A. They stopped the delivery; I don't say repudiated; they stopped the delivery of this kind of stone; they stopped on account of Larned & Dickson refusing to take any more stone of this kind.

Q. And therefore the delivery stopped as you understand it? A. Yes, sir, that was the fact as I understand it; I think they were acting, as they supposed, under positive orders from the Capitol commissioners; the claimants were; Larned & Dickson had the contract for the delivery of all this stone; these men went on and furnished stone.

Q. Under the Larned & Dickson contract, as you supposed? A. We supposed that Larned & Dickson were to furnish this stone; Larned & Dickson were paid all except this refuse stone; that was used for a different purpose; I would like to say in regard to the stone that was left over, the idea was held out to them that the stone they had on hand would be perfectly proper, and the State would very likely be perfectly willing to take it, when they went beyond the point which Larned & Dickson covered; it was my impression that the State would need this stone, and the idea was held out by me; it was after they had stopped delivering; the idea was always held out that there would be a time when the stone would be used, and they would be proper stone to use, and the idea was held out that the State would be perfectly willing to take stone and pay for it.

Q. You was not present when the arrangement was made between Bridgford and Latham? A. No, sir.

Q. You don't know any thing about what the contract was? A. I know we acted upon the fact that they were told to get this stone,

Q. You don't know what the terms were, whether it was a positive agreement to take 4,000 cubic yards, or an arrangement to hurry up and deliver the stone? A. I don't know about that, which of these arrangements were made.

Q. Suppose Bridgford and Latham made this arrangement with Mark & Co., and "you come and deliver stone and we will receive the stone and pay for as much as is received," and they continued to receive up to the time of notification; now, under such an arrangement as that, would you say they were to be paid for any stone that were not delivered? A. Not until they were ordered again.

By the COUNSEL FOR THE CLAIMANT:

Q. At the time you were speaking, when the possibility of the State taking the stone was under consideration, didn't Mark and St. John claim that the State should pay them for the stone? A. Yes, sir, undoubtedly; they made the claim, and have always made it, that they ought to be paid.

By the COUNSEL FOR THE STATE:

Q. Did Larned & Dickson make a claim, under their contract, to be paid for this same stone that was undelivered, at the time the orders were to stop? A. No, sir.

Q. Did they ever make any claim? A. No, sir; Mark and St. John were authorized to go on and get the stone.

Q. How do you know they were authorized? A. I know they were authorized because the stone came on and the commissioners received them; the stone were coming from various quarries, and their stone was delivered just as all others, and inspected by the commissioners.

Q. When were payments made on this granite; were the payments all made after the delivery had ceased? A. It would be hard to say; sometimes they had money to pay, and sometimes it was difficult for the Comptroller to advance the money; we intended usually to pay once a month.

Milton St. John, sworn and testified as follows:

I live in Orange, New Jersey; my home in July, 1870, was in Albany.

Q. Do you remember having any interview with the superintendent of the Capitol, concerning furnishing granite by yourself, Mr. Mark and Sage, for the construction of the new Capitol, in July, 1870? A. I do.

Q. Where and with whom did you have that interview? A. I think my first interview was with Rice, afterward with Latham and Bridgford on State street in the city of Albany, No. 57; I met them by appointment; Mr. Bridgford sent word he wanted to see me.

Q. State what transpired? A. They had a large force of men working on the Capitol and wanted to increase the quantity of stone delivered, and Bridgford and Latham wanted to know how many stone we could get out and how fast. My association with the New York Central was such, that I had no charge of the stone at that time; I sent for Mr. Mark, and Mr. Sage together made the arrangements for an increase of force, and Mr. Bridgford also put an advertisement in the paper. The force was increased; the quantity in its delivery was increased, and we went on and got out the stone as fast as we could.

Q. Had you been delivering stone to the Capitol before that time? A. Yes, sir; we had delivered a few.

Q. Under whom had you made that delivery? A. My first agreement for the delivery of stone was made with Rice; Mr. Rice made that agreement, or rather this delivery was made, and the stone delivered under contract of Larned & Dickson; this was the first delivery.

Q. When did that begin? A. Only delivered one or two hundred yards; that was the same season.

Q. When did that business transaction between you and Larned & Dickson cease? A. About July, 1870.

Q. It had ceased and been determined at the time you made this agreement? A. Yes, sir.

Q. Did you know Larned & Dickson in this last transaction; A. No, sir.

Q. You understood that you were contracting directly with the State, did you? A. Yes, sir; I did.

Q. Was the price which the State should pay you spoken of? A. The price of \$22.50 was spoken of.

Q. Do you remember whether any definite quantity was spoken of? A. No, sir; except they wanted we should get out all the stone we could; there was no limit to it; our capacity for furnishing a large quantity was limited, and we didn't expect to deliver over twenty-five or forty yards a day; I made the delivery to the State; I never knew the firm of Larned & Dickson at all in this last transaction.

The counsel for the claimant offered the several bills of lading in evidence.

Q. Were they original bills of lading? A. Mr. Mark did that business, and I don't know whether they are original bills or not.

Cross-examination:

Q. Who paid for this stone that was actually delivered up to the 24th of September? A. I think Mr. Mark made the collections.

Q. Do you know who he made the collections from? A. I don't.

Q. Don't you know he was paid directly by the commissioners, or whether he was paid through Larned & Dickson? A. No, sir; I don't.

John Bridgford, sworn for the claimants, and testified:

Q. Were you the superintendent of construction of the new Capitol in the year 1870? A. Yes, sir.

Q. Are you acquainted with the claimants in this case? A. Yes, sir.

Q. Do you know any thing about any transaction had during the summer of 1870, between them and the State, by which they were to deliver granite to the State? A. Yes, sir.

Q. State what you know about it? A. Mr. Larned & Dickson were to furnish stone for the building; we got short of stone, and the three commissioners, Mr. Rice, Mr. Latham and Mr. Harris, found we had to get some new channel from which to get stone, and arranged through St. John and Mark to get the stone. They either had to get those stone, or the men had to stop; the arrangement was made; this was talked previous to the arrangement; Mr. Latham and myself were the ones that talked the matter up.

Q. Were you present at any of the conversations with Harris and Rice when they were considering this? A. Yes, sir.

Q. Can you tell how it happened that you sought Mr. St. John; what sent you to him; was it by direction of the commissioners? A. Yes, sir, by direction of the commissioners; we talked it over where we could get them, and we concluded we would get them of St. John. I was with Mr. Latham at the time.

Q. State what that agreement was? A. I could not tell the detail, simply they were to go on and furnish the stone.

Q. Was the price agreed upon? A. I don't think there was any thing said about the price.

Q. How many men had you employed on the Capitol at that time? A. Quite a large force; I don't remember; the material had been running very short.

Q. Did you see St. John, as he has testified? A. I saw him, but could not say where.

Q. Did you see him as a matter of fact? A. Yes, sir, Mr. Latham and I saw him and made the arrangements.

Q. Did you publish any advertisement, as superintendent, for additional men? A. Yes, sir.

Q. What did you desire those men for? A. To work on the quarry.

Q. Who wanted the—? A. Mr. Mark and St. John.

Q. (Showing copy of advertisement.) Look at that and see if it is not a copy? A. I could not tell; we were in a hurry; they didn't have machinery, and I sent up derricks and stone-boats to facilitate getting out the stone.

Q. Was it mentioned between you and them that this transaction was to be subordinate to a contract between Larned & Dickson and the State? A. No, sir; Larned & Dickson were not mentioned.

Q. If it had been a subordinate contract you would have mentioned it? A. Yes, sir, I think I would. Mark and St. John made deliveries of stone.

Q. Were those deliveries made by them to the State? A. I suppose to the State; I hadn't any thing to do with the deliveries only to receive them at the yard.

Q. Were you at the quarries during the time that this work was progressing? A. In the early part.

Q. Did you see the improvements that were made? A. No, sir, I did not; I wasn't there after the improvements had been made.

Cross-examination:

Q. Was this arrangement that you speak of with Mark & Co. at Harris' office? A. I could not say.

Q. Some law office? A. I could not remember where the arrangement was made.

Q. State just what you recollect about the conversation that took place at that particular time? A. I could not tell you.

Q. State how many you do remember being there? A. I think Mr. St. John and Latham.

Q. Was Mr. Mark there? A. I don't remember; I think it was Mr. St. John; cannot say whether Mark was there or not.

Q. Did you make a contract with them there, by which you agreed to take 4,000 cubic yards of stone off them? A. I don't remember of any amount stated.

Q. According to your best recollection was the amount indefinite? A. It was indefinite.

Q. No specific amount stated? A. No, sir.

Q. Was there any definite length of time stated during which they should be entitled to deliver? A. No, sir, there was not.

Q. It was simply that they should go on and deliver stone? A. Yes, sir.

Q. Did you direct the discontinuance of the delivery, whenever it was discontinued? A. I don't remember who stopped it; I think I didn't, unless I done it through the commissioners.

Q. You do remember the fact that the delivery of the stone was stopped? A. Yes, sir.

Q. And by the direction of some parties? A. Yes, sir.

Q. After the delivery of the stone was stopped, did Mark and St. John see you? A. Yes, sir, saw me frequently.

Q. Did they shortly after it was stopped, in regard to the reason of stopping? A. I could not say as to the time.

Q. About how soon after the discontinuance of delivery, do you remember of seeing either of them on the subject? A. I don't remember.

Q. Was it within six months? A. I should think it might have been.

Q. Did you have any conversation with them in regard to the stopping of the delivery of the stone? A. Had talk in reference to it.

Q. I mean within six months or a year after it was stopped? A. Probably did have some talk.

Q. Do you remember whether you did have talk within a year? A. I think we did.

Q. You cannot remember any thing that was said? A. No, sir; not with any accuracy.

Q. Did they claim to you, in any conversation they had at that time, that you had agreed to take 4,000 cubic yards and upwards? A. I don't think they did.

Q. When did you first become aware that they claimed that you had agreed to take 4,000 cubic yards? A. I never heard them claim that; I heard Mark talk about it to-day.

Q. Is this the first that you ever knew that they claimed you had made a contract with them for the delivery of 4,000 cubic yards of stone? A. I don't remember of their saying any thing about it.

Q. Is this the first time that you were aware of that fact? A. I think it is.

Re-direct:

Q. Do you not remember of saying to Mark and St. John at that time, that they could not get out stone enough that season, and work as fast as they might to satisfy your demands on the Capitol? A. I might have said that; it is more than likely that I did; I don't remember it.

Q. Was there any limit placed upon the amount of stone that they were to deliver, so far as you can remember? A. I don't remember.

Q. You didn't understand that they were to deliver stone absolutely within your discretion? A. There wasn't any thing said how much, but quite an amount of stone; some hundreds of yards.

Q. Not thousands? A. There might have been.

Q. Wasn't that quantity mentioned between you at all? A. No, sir.

Q. You don't remember that remark that they could not get out stone enough? A. There might have been something of that kind said, because we were generally short of stone; I could not swear that I did not say that, neither can I swear that I did say so; my best impression is that I don't know; may have said it and may not.

Milton St. John recalled, and further testified:

Q. State how that contract was determined as you remember? A. I received orders to stop delivering stone, and discharged all the men.

Q. Who gave you that order? A. I think it come through Mr. Bridgford.

Q. How do you remember that that contract was stopped? A. In the absence of Mr. Mark I received notice at my office to discontinue the shipment of stone and discharge all the men we had on the quarry; that order came through Bridgford or Latham; I mean it came from them.

Q. You heard Bridgford's testimony concerning the quantity of stone that was to be delivered; will you state your recollection of that part of the transaction? A. My understanding was that we were to get out all the stone we could; they were using all the means in their command to get stone.

Q. Do you remember the expression being used by Bridgford or Latham that you could not get out stone fast enough to supply their demands, and work them as fast as you might? A. Yes, sir; it was before we began the delivery on the contract, or order or agreement.

Q. Was it at the first interview? A. I think it was the first interview; that is my best recollection.

Cross-examination:

Q. Where was the first interview? A. I think Mr. Bridgford made an arrangement to meet him and Latham at 57 State street; it was in an attorney's office.

Q. How long before this other interview that has been spoken of? A. I told Mr. Mark that my duties were such that I could not leave.

Q. How long before this other interview? A. It might have been that day or the next; I sent for Mr. Mark; I was present at the second interview.

Q. You have testified in regard to an interview when Mr. Bridgford was present, and when you and Mr. Latham was present? A. Yes, sir.

Q. You were present at the interview when Mark came, after you had sent for him? A. It is possible that Mark might have been present at the first interview, because this was an appointment to meet them on this business; it might have been the same day, and might have been the same time; I cannot say that there was two interviews; my impression is that I should have met Mr. Mark at the first interview.

Q. Do you remember the name that was signed to the order of discontinuance of this work? A. I guess it was a verbal order, the same as the other.

Q. Where was that verbal order given? A. I think notice was sent to me at the office in Exchange building, I was supply agent of the Central Road at that time.

Q. Do you know who delivered the order? A. No, sir; I cannot say positive; I think Mr. Bridgford.

Q. Do you think that Mr. Bridgford came personally? A. I think he did; I used to see Bridgford most every day.

Q. Are you pretty positive about that, or that he sent word? A. I cannot tell you positively; it is ten years ago.

Q. What was it that was said in regard to somebody's opinion as to your capacity to supply what granite was wanted during the season;

who was it made the remark? A. I don't know of anybody that made a remark of that kind. I don't think I made that remark. I think they asked us to get out all the stone we could. I don't remember that such a question arose. There is no doubt but what we could have got out twenty-five or fifty yards of stone a day.

Q. Do you want to change your previous testimony, whether Bridgford or Latham made the remark in the course of the conversation, that you could not get out all they should need? A. I think they wanted us to get out all the stone we could; I am positive of that.

Q. Do you remember Messrs. Bridgford or Latham, when this agreement was made, making the remark that you could not get out as much as they would need, put on as many men as you might; do you remember whether they made that remark? A. I don't recollect that they did make it.

Q. Was there any remark made in the conversation, or any other, concerning the quantity of stone that was to be delivered by you? A. This order was, get out all the stone we could.

Q. For what length of time? A. I don't think there was any limit set to the time.

Q. Did you say that you were to get out all the stone you could? A. That is what I said.

Q. Do you remember the remark having been made that you could not get out what they would require, work as fast as you might? A. I don't remember that remark, though it might have been made. I don't think there was any agreement as to the exact quantity of stone.

Q. Was there any thing said about how long that contract should remain in force? A. No, sir; I don't think there was.

Q. Was that contract then subject, as you understood it, from the conversation which you had with Bridgford and Latham, to be determined by them immediately? A. Mr. Bridgford stated that they wanted all the stone they could get, and I don't suppose —

[Objected to as incompetent.]

George Mark recalled, and further testified :

Q. (Showing bills of lading.) Are those the original bills of lading? A. They are, sir.

The counsel for the claimant put in evidence forty-six bills of lading. Heretofore set out in this report.

Q. Did you ever know Larned & Dickson in this transaction? A. I did not.

Q. Your transaction was with the State? A. Yes, sir.

Q. You heard Mr. Bridgford testify that he did not remember that the quantity of stone which you were to deliver was definitely fixed, as you say. Has the testimony of Bridgford refreshed your memory at all in regard to that transaction? A. No, sir.

Q. When did you begin the improvement upon that property. Do you remember the day on which you began the improvement? A. I think it was the last of July; just as soon as I could get there; I went immediately; I did not let twenty-four hours wait.

Q. How long before this contract was entered into, had your subcontract with Larned & Dickson been determined? A. Might have furnished Larned & Dickson a few loads a very few days — about the first.

Q. It had been absolutely determined after this arrangement? A. Yes, sir.

Q. Did Mr. Bridgford or Latham or any other of the Capitol commissioners, or anybody representing the State, ever say that this arrangement was subordinate to a contract between them and Larned & Dickson? A. No, sir.

Cross-examination :

Q. How were you paid for the stone actually delivered, in what manner? A. I wasn't paid for them until, I think, November; wasn't paid for any of them until about the 11th or 12th of November, 1870.

Q. How were you paid then? A. After numerous applications to Mr. Rice, finally he arranged it so I got my pay, and he sent me to Mr. Edward Larned, of the firm of Larned & Dickson, to get my pay.

Q. You got your pay from Larned & Dickson? A. Yes, sir; I don't know how it was arranged; whatever was paid in the end was paid by Larned.

Re-direct :

Q. Do you remember about the termination of this contract? A. I remember that St. John telegraphed me to come to Albany, that they would not take any more stone. I found the railroad full of stone.

Q. Did you understand, after the contract had been terminated, the reason from the State why it was terminated? A. Yes, sir; I was told the reason, from Mr. Rice.

Q. Wasn't it because the Capitol commissioners undertook to charge Larned & Dickson with your contract, and Larned & Dickson refused to have it so charged? A. That was the fact. I simply applied to the State, after I had stopped, telling them I had 325 yards of stone, and I wanted my pay; I could not get it, and it went into November, and I again applied to Rice. He told me that he had made arrangements with Larned, and I went and got it.

By the TREASURER :

Q. What became of the stone? A. It was used here in the Capitol.

Q. You got pay for that? A. Yes, sir.

The claimant here rested his case.

The counsel for the State respectfully submitted, that under the testimony, the claimants had not made out a case.

1st. There was no legal contract made, on behalf of the State, with the claimants.

2d. It is not competent for the superintendent of the Capitol to make a contract of this kind.

3d. A contract to be valid must be made by the board of Capitol commissioners, sitting as a board, together, in session, and acting jointly.

4th. The proof does not show that there was such a contract as
[Assem. Doc. No. 8.]

authorized the claimants to get out a definite amount of stone, or to authorize the work to continue for any length of time.

5th. A contract involving interests of the magnitude of this claim should be definite as to quantity and duration.

6th. There is no proof that a contract was made by and between the board of Capitol commissioners and the claimants.

The claim should be disallowed, and the petition dismissed.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, on Friday, April 23, 1880 :

PRESENT — Joseph B. Carr, Secretary of State ; James W. Wadsworth, Comptroller ; Nathan D. Wendell, Treasurer.

No. 184.

In the Matter of the claim of George Mark, Milton H. St. John and Albert G. Sage <i>agst.</i> The State of New York.	}
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The First Deputy Attorney-General, of Counsel for the State, and S. W. Holcomb, Counsel for the Claimants, having been heard in argument, this claim is submitted for decision.

On motion, it is ordered that the claim of George Mark, Milton H. St. John and Albert G. Sage be disallowed.

No. 13.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, on Wednesday, May 12, 1880 :

PRESENT — Joseph B. Carr, Secretary of State ; James W. Wadsworth, Comptroller ; Nathan D. Wendell, Treasurer — members of the Board.

No. 192.

In the Matter of the claim of Darwin Nash <i>agst.</i> The State of New York.	}
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Claim for fees as county treasurer of Lewis county ; amount claimed, \$147.88.

CLAIMANT'S STATEMENT.

To the State Board of Audit of the State of New York :

Your petitioner, Darwin Nash, of the county of Lewis and State of New York, herewith presents his claim to your Honorable Board and respectfully represents :

That he is now and for a term of years has been a resident of the town of Denmark, county and State aforesaid :

That he was elected to the office of treasurer of said county on the 7th day of November, 1871: That he duly qualified as such treasurer and performed the duties of the office for the period of three years, ending on the 31st day of December, 1874. That pursuant to the provisions of chapter 110 of the Laws of 1871, the several county treasurers of this State (except several in the act mentioned exempted by the provisions of said act) shall receive for their services such compensation as shall be fixed by the respective boards of supervisors of their respective counties.

In addition to such compensation, so fixed as aforesaid, they shall be entitled to a commission of one per cent on every dollar belonging to the State which they shall receive and pay over, but in no case to exceed the sum of five hundred dollars.

That your petitioner did receive and pay over to the State Comptroller the several sums at the times as mentioned and described in the schedule hereunto annexed, marked "A."

That such commission at the rate of one per cent, estimated upon the amount so as aforesaid received and paid and set out in said schedule for the years from 1871 to 1873, inclusive, will aggregate the sum of \$147.88, and is set forth in detail as follows :

1871.....	\$49 15
1872.....	49 10
1873.....	49 63
Total for three years.....	<u>\$147 88</u>

And your petitioner further says that he has not assigned the whole or any part of said claim; that he is now the owner and holder thereof; that the same has never been before presented to any branch or office of the government for payment; that the proofs upon which he will rely to establish said claim will be the testimony of himself and such documentary proof as shall be deemed necessary to be taken from the files and records of the public offices. And your petitioner alleges that the said amount of \$147.88 is justly due and owing, and prays that your Honorable Board may allow the same to him.

STATE OF NEW YORK, }
County of Lewis, } ss :

Darwin Nash, of the town of Denmark, county and State aforesaid, being duly sworn, says that he is the petitioner in the foregoing petition named, that he has read the same and knows the contents thereof, and that the same is in all respects true.

DARWIN NASH.

Subscribed and sworn to on this }
9th day of March, 1880. }
S. L. MOTT, *Justice of the Peace.*

No. 155.

In the Matter of the claim of Marion Nash agst. The State of New York.	}
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Claim for fees as county treasurer of Lewis county; amount claimed, \$293.26.

CLAIMANT'S STATEMENT.

To the State Board of Audit of the State of New York:

Your petitioner, Marion Nash, of the county of Lewis and State of New York, herewith presents his claim to your honorable Board and respectfully represents:

That he is now and for a number of years has been a resident of the town of Martinsburgh, county and State aforesaid.

That he was elected to the office of treasurer of said county on the 3rd day of November, 1874; that he duly qualified as such treasurer and performed the duties of the office for the period of three years ending on the 31st day of December, 1877. That pursuant to the provisions of chapter 110 of the Laws of 1871, the several county treasurers of this State (except several in the act mentioned exempt by the provisions of said act) shall receive for their services such compensation as shall be fixed by the respective boards of supervisors of their respective counties. In addition to such compensation so fixed as aforesaid they shall be entitled to a commission of one per cent on every dollar belonging to the State which they shall receive and pay over, but in no case to exceed the sum of five hundred dollars. That your petitioner did receive and pay over to the State Comptroller the several sums at the times as mentioned and described in the schedule hereunto annexed, marked "A."

That such commission at the rate of one per cent, estimated upon the amount so as aforesaid received and paid and set out in said schedule for the years from 1874 to 1876 inclusive, will aggregate the sum of \$293.26, and is set forth in detail as follows:

1874.....	\$53 03
1875.....	113 43
1876.....	126 80

Total for three years.....	<u>\$293 26</u>
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And your petitioner further says that he has assigned the whole of said claim to Darwin Nash, of Denmark; that he is now the owner and holder thereof; that the same has never before been presented to any branch or office of the government for payment; that the proofs upon which he will rely to establish said claim will be the testimony of Darwin Nash and such documentary proof as shall be deemed necessary to be taken from the files and records of the public offices.

And your petitioner alleges that the said amount of \$293.26 is jointly due and owing and prays that your honorable Board may allow the same to him.

STATE OF NEW YORK, }
County of Lewis, } ss.:

Marion Nash, of the town of Martinsburgh, county and State aforesaid, being duly sworn, says that he is the petitioner in the foregoing petition named; that he has read the same, knows the contents thereof, and that the same is in all respects true, and that he has assigned the same to Darwin Nash.

MARION NASH.

Subscribed and sworn to on this }
 9th day of March, 1880. }

S. H. MOTT, *Justice of the Peace.*

EXHIBIT "A."

Statement of tax and percentage.

State tax of Lewis county, 1871.....	\$22,250 70
do do do 1872	36,830 81
do do do 1873.....	27,592 24
do do do 1874.....	30,760 90
do do do 1875.....	27,748 45
do do do 1876	21,906 98

Fees on State tax of 1871, Laws of 1871, volume 1, page 227, chapter 110, should be.....	\$222 50
Fees on State tax for 1872, should be.....	368 30
do do do 1873, do	275 92
do do do 1874, do	307 60
do do do 1875, do	277 48
do do do 1876, do	219. 06

Received fees on State tax of Lewis county, 1871.....	\$173 35
do do do do do 1872.....	319 20
do do do do do 1873.....	226 29
do do do do do 1874.....	254 57
do do do do do 1875.....	164 05
do do do do do 1876.....	92 26

Fees or commission on State tax of 1871, unpaid of Lewis county	\$49 15
Fees or commission on State tax of 1872, unpaid of Lewis county.....	49 10
Fees or commission on State tax of 1873, unpaid of Lewis county	49 63
Fees or commission on State tax of 1874, unpaid of Lewis county	53 03
Fees or commission on State tax of 1875, unpaid of Lewis county	113 43
Fees or commission on State tax of 1876, unpaid of Lewis county	126 80
	<u>\$441 14</u>

OFFICE OF THE SECRETARY OF STATE, }
ALBANY, May 12, 1880. }

In the Matter of the claim of Marion
Nash
agst.
The State of New York.

Wm. B. Ruggles, the First Deputy Attorney-General, for the State;
Chas. A. Chickering, for the Claimant.

Henry Gallien, sworn and testified :

Q. I hold in my hand a statement in regard to the amount of State tax of the county of Lewis; the amount paid at the Comptroller's office, and the several balances that would be due to the county treasurer under the statute of 1871? Are those items correct? A. This is a statement which I have examined this morning, and it is correct in regard to the amount of tax levied on Lewis county, and the amount of fees at one per cent for the years 1871 to 1876, inclusive; the amount credited being one per cent less on the school tax.

Q. Had the full amount of one per cent been paid on the State tax each year, you would still have been within the limit of \$500, as prescribed by law. A. Yes, sir. The balances named here amount to \$441.14 total; assuming that the Superintendent of Public Instruction has made no allowance in any year, the balances would be, in 1871, \$49.15; 1872, \$49.10; 1873, \$49.63; 1874, \$53.03; 1875, \$113.43; 1876, \$126.80, making a total of \$441.14. Until within a few years the county treasurer received the \$500 from the State tax, exclusive of the school tax; the Department of Public Instruction gives the one per cent on that tax now.

Testimony closed, and case submitted for decision.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, Thursday, May 13, 1880:

PRESENT—Joseph B. Carr, Secretary of State; James W. Wadsworth, Comptroller; Nathan D. Wendell, Treasurer.

Nos. 192 and 193.

In the Matter of the claims of Darwin
and Marion Nash
agst.
The State of New York.

Two Cases.

On motion, it is ordered that the claim of Darwin Nash for fees as county treasurer of Lewis county be allowed at the sum of one hundred and forty-seven dollars and eighty-eight cents (\$147.88).

On motion, it is ordered that the claim of Marion Nash for fees as county treasurer of Lewis county be allowed at the sum of two hundred and ninety-three dollars and twenty-six cents (\$293.26).

No. 14.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, Wednesday, June 16, 1880:

PRESENT — Joseph B. Carr, Secretary of State; James W. Wadsworth, Comptroller; Nathan D. Wendell, Treasurer—members of the Board.

No. 198.

In the Matter of the claim of Weed,	}
Parsons & Co.	
<i>agst.</i>	
The State of New York.	

Claim for legislative printing during the years 1879 and 1880, and done pursuant to resolutions of the Senate and Assembly; amount claimed, \$56,799.50.

CLAIMANT'S STATEMENT.

STATE OF NEW YORK, }
Albany City and County, } ss.:

George Dawson, being duly sworn, says that he is one of the firm of Weed, Parsons & Co., who are engaged in the printing and publishing business in said city. That during the years 1879 and 1880 the said firm did a large amount of work in printing, lithographing and binding for and on account of the State of New York, which work was done and performed under and in pursuance of resolutions passed by the Legislature and legislative committees, and delivered as directed by said resolutions. That the following is a true and accurate statement in detail of said work and the value thereof, and charges therefor, and the particulars thereof showing the merits of the claims of said firm against the State, viz.:

For Weed, Parsons & Co., for two copies of the Bankers' Code, two copies of the Insurance Laws of the State of New York, and one copy of Webster's Dictionary, furnished the Clerk of the Senate, pursuant to resolution of the Senate passed January 27, 1880, to be paid on the certificate of the Clerk of the Senate, \$25.

For printing by order of the committee, 200 copies of testimony in the matter of the contested seat of George F. Carman against Charles T. Duryea, in 1879, to be paid on the certificate of the chairman of the committee on privileges and elections of the Assembly of 1879, \$66.17.

For printing and binding three thousand two hundred copies of the proceedings of the Legislature of the State of New York in commemoration of its removal from the old to the new Capitol, pursuant to resolution of the Assembly, passed April 29, 1879, to be paid on the certificate of the Clerk of the Assembly, \$372.67.

For printing seventeen thousand copies of the report of the special committee of the assembly on the State Normal Schools, furnished pursuant to resolution of the Assembly, passed May 19, 1879, and for packing and shipping the same, to be paid on the certificate of the Clerk of the Assembly, \$835.

For printing, by order of the committee, binding and furnishing materials for committee on general laws of the Assembly for 1879, to be paid on the certificate of the chairman of the committee, \$120.65.

For printing, by order of the committee, testimony in the matter of the contested seat of Liddle against Hynes, in the Assembly of 1880, to be paid on the certificate of the chairman of the committee, \$700.

For balance of account, duly certified, for printing and furnishing materials for the select committee of the Senate of 1878 and 1879, to revise the statutes, \$665.21.

For printing, by order of the committee, for the special committee of the Senate of 1879, to revise Civil, Penal and Criminal Codes, to be paid on the certificate of the chairman of the committee, \$2,952.57.

For printing and lithographing reports of the State Cabinet of Natural History, in 1879 and 1880, to be paid on the certificate of the Secretary of the Board of Regents of the University, \$623.

For furnishing eighteen hundred and sixty-six copies of the New York Civil List, pursuant to concurrent resolution of the Legislature, passed May 8, 1879, to be paid on the certificate of the Secretary of State, \$3,732.

For seven thousand copies of the seventh annual report of the Adirondack survey, furnished pursuant to concurrent resolution of the Legislature passed April 17, 1879, to be paid on the certificate of Secretary of State, \$24,500.

For printing fifty copies of the minority report of the special committee on railroads, to be paid on the certificate of such minority, \$76.80.

For furnishing seventeen sets, full bound, of file boards for Senate and Assembly bills, journals and documents for the use of the State officers, \$102.

For balance of account for printing and lithographing reports of State Cabinet of Natural History, as per bill on file in Comptroller's office, \$128.10.

For furnishing one hundred and fifty-three sets of Senate and Assembly file boards for bills for the Clerk of the Assembly, pursuant to resolution of the Assembly, passed March 4, 1880, \$229.50.

For balance of account for printing, as per bill on file in the Comptroller's office, for Department of Public Instruction, \$95.69; for Assembly committee on commerce and navigation, \$651.09; for Clerk's Manuals for Clerk of the Assembly, \$6.05; and for commissioners to revise the statutes, \$20.

For printing and binding twenty thousand copies of the report of the special committee on railroads of 1879, furnished pursuant to resolution of the Assembly passed February 6, 1880, to be paid on the certificate of the Clerk of the Assembly, \$1,348.

For printing and binding fifty copies of chapters fourteen to twenty-one inclusive, of the revision of the statutes, for the use of the judiciary committee of the Senate of 1880, to be paid on the certificate of the chairman of the committee, \$50.

For printing and binding, in cloth, on the order of the Regents of the University, proceedings of the University Convocation of 1876, \$500, to be paid on the certificate of the Secretary of the Board of Regents.

For printing and binding, on like order, in cloth, the manual of the Regents of the University for 1880, \$700, to be paid on the certificate of the Secretary of the Board of Regents.

For printing, lithographing, binding and stationery furnished upon order of Director of the State Museum of Natural History, \$500, to be paid on the certificate of the Director of the Museum.

For printing 12,000 copies of the report of the State Assessors, pursuant to concurrent resolution of the Legislature, passed February 12, 1880, \$800.

For printing and lithographing 1,000 copies of the geological map of the Catskill mountain region and the southern counties of the State, and printing the documents accompanying the same, \$2,000, or so much thereof as may be necessary, to be paid on the certificate of the Secretary of the Board of Regents; and

For 6,000 copies of the seventh annual report of the Adirondack survey, furnished pursuant to concurrent resolution of the Legislature, passed April 13, 1880, to be paid on the certificate of the Secretary of State, the sum of \$15,000.

And this deponent further says, that the nature of the proofs upon which said firm relies to support said claims is the various resolutions hereinbefore referred to, which are specifically mentioned in the foregoing statement in connection with each separate item, and the testimony of John D. Parsons, Jr., of the city of Albany, that the said work was done, performed and delivered in accordance with the said resolutions, and the direction of the officers of the State and chairmen of legislative committees, for whom said work was done, and their certificates acknowledging the performance of said work, and the receipts of the delivery thereof.

And this deponent further says, that the claims hereinbefore referred to have never been presented to any branch or officer of the government excepting to the Legislature, which, at the last session thereof, allowed and passed the same, in the Assembly Bill No. 460, entitled "An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations."

And this deponent further says that after said items had been so allowed and passed by the said Legislature, his Excellency the Governor of the State objected and did not approve of the same for the reasons stated by him as follows, viz.:

"All of the several items for Weed, Parsons & Co. are objected to and not approved, for the reason that several of them are believed to be covered by the contract for legislative printing, and the rest of them are of a character which brings them under the prohibition of section 19, article 3 of the Constitution, and necessitates their consideration by the Board of Audit."

And this deponent further says that none of said items are covered by the contract for legislative printing.

GEO. DAWSON.

Sworn before me, this 9th }
day of June, 1880. }

WM. P. RUDD, *Notary Public, Albany Co., N. Y.*

STATE BOARD OF AUDIT,
OFFICE OF THE SECRETARY OF STATE,
ALBANY, N. Y., June 16, 1880. }

In the Matter of the claim of Weed,
Parsons & Co.

agst.

The State of New York.

Board met pursuant to adjournment.

William B. Ruggles, First Deputy Attorney-General, Counsel for the State ; Hamilton Harris, Counsel for the Claimants.

John D. Parsons, sworn for the claimants, and testified as follows:

Q. The first item, one copy of Webster's Dictionary, and two copies of the bankers' code, etc. The resolution is dated January 27th, 1880. The certificate of Mr. Vrooman, Clerk of the Senate, is attached to the bill. Was that work done in pursuance of the resolution of which that is a copy? A. It was.

Q. That is the certificate of Mr. Vrooman? A. It is.

The resolution, the bill and certificate of Mr. Vrooman offered in evidence by the counsel for the claimant.

Q. That is Vrooman's handwriting on the bill? A. Yes, sir, it is. Same received and marked exhibit "A." Hereto annexed.

"For printing by order of the committee 300 copies of testimony in the matter of the contested seat of George F. Carman against Charles T. Duryea, in 1879, to be paid on the certificate of the chairman of the committee on privileges and elections of the Assembly of 1879, \$66.17."

Q. (Showing bill, with the approval of Charles S. Baker, chairman of the committee on privileges and elections.) Was that work done by order of the committee? A. Yes, sir.

Q. And is that the certificate of the chairman? A. Yes, sir.

Q. And that bill is correct? A. Yes, sir.

The same was offered in evidence. The counsel for the State objected to the item on the ground that no evidence is given of authority to authorize said printing. Received and marked exhibit "B" hereto annexed.

"For printing and binding 3200 copies of the proceedings of the Legislature of the State of New York in commemoration of its removal from the old to the new Capitol, pursuant to resolution of the Assembly, passed April 29, 1879, to be paid on the certificate of the Clerk of the Assembly, \$372.67."

Q. Is that the bill for that work ? A. Yes, sir.

Q. With the certificate of Mr. Johnson, the Clerk of the Assembly ?

A. Yes, sir.

Q. And the work was done and delivered under that resolution ?

A. It was.

The resolution dated April 29, 1879, and bill offered in evidence by the counsel for the claimant.

By the COUNSEL FOR THE STATE:

Q. Did you not keep a delivery book, or receipt book ? A. Yes, sir.

Q. In which a receipt is taken for the delivery of all this printing ?

A. Yes, sir.

The counsel for the State raised the point that the delivery-book should be produced to show the fact that the amount of work ordered in these several items was delivered.

The WITNESS — The full number have been delivered.

Copy of the resolution, bill and certificate received and marked Exhibit " C," hereto annexed.

" For printing 17,000 copies of the report of the special committee of the Assembly on the State normal schools, furnished pursuant to resolution of the Assembly, passed May 19, 1879, and for packing and shipping the same, to be paid on the certificate of the Clerk of the Assembly, \$835."

Q. (Showing bill to the witness.) That is the resolution referring to the item, and the bill for the work done, and the certificate of the Clerk ? A. Yes, sir.

Q. You know the work was done according to that resolution and certificate ? A. I do.

The resolution, bill and certificate together were offered in evidence by the counsel for the claimant. The same was received and marked Exhibit " D." Hereto annexed.

" For printing by order of the committee, binding and furnishing materials for committee on general laws of the Assembly for 1879, to be paid on the certificate of the chairman of the committee, \$120.65."

Q. (Showing bill.) Do you know that the firm of Weed, Parsons & Co. did that work for the committee ? A. I do.

Q. And according to that bill ? A. Yes, sir.

Q. And that is the certificate of Hiram Briggs, chairman of the committee ? A. Yes, sir.

The bill and certificate were offered in evidence by the counsel for the claimant.

The counsel for the State made the same objection to this item that was made to item No. 2 — that no authority is shown in the chairman to order the printing done.

The bill and certificate were received and marked Exhibit " E." Hereto annexed.

"For printing, by order of the committee, testimony in the matter of the contested seat of Liddle against Hynes, in the Assembly of 1880, to be paid on the certificate of the chairman of the committee, \$700."

Q. (Showing bill.) Do you know that the firm of Weed, Parsons & Co. did the work mentioned in that bill? A. Yes, sir.

Q. And that the bill is correct? A. Yes, sir.

Q. And it is certified to by the chairman of the committee? A. Yes, sir.

The bill and chairman's certificate were offered in evidence by the counsel for the claimant.

The counsel for the State made the same objection as made in No. 2.

Received and marked Exhibit "F." Hereto annexed.

"For balance of account, duly certified, for printing and furnishing materials for the select committee of the Senate of 1878 and 1879, to revise the statutes, \$665.21."

Q. (Showing bill.) Do you know that account? A. Yes, sir.

Q. Is it correct? A. It is.

Q. Was it work done in pursuance of the direction of the chairman of the committee? A. It was.

Q. And certified to by him? A. Yes, sir.

Q. And \$3,000 upon the same has been paid? A. Yes, sir.

Q. Leaving a balance of \$665.21? A. Yes, sir.

The bill and receipt received in evidence by the counsel for the claimant.

There are 113 items contained in this bill aggregating the sum of \$3,665.21.

The Comptroller under warrant No. 7018, dated June 28, 1879, attached to the bill paid the sum of \$3,000, leaving a balance of \$665.21 which is the amount of the item claimed.

The following certificate appears upon the bill:

"I hereby certify that the work and other items, for which charges are made in the foregoing account, were done and furnished for and by direction of the special committee of the Senate upon the revision of the statutes, appointed May 15, 1879, and that the said account is in all respects correct, except that I have no knowledge of the proper prices for the work therein charged, or whether the measurements for composition and other work are correct. Subject to such rectification of items, if any, as may be made for the reasons stated, upon an examination by the Comptroller, I hereby certify that the sum of three thousand dollars (\$3,000) is payable to the said Weed, Parsons & Co., by reason of the said account, out of the said appropriation of \$15,000 for the expenses, etc., of the above-mentioned committee, made by chapter 272 of the Laws of 1879, the other demands upon the appropriation being such that only \$3,000 can be allowed for this account.

SAMUEL S. EDICK.

Chairman of the said committee."

Dated ALBANY, May 19, 1879.

THE WITNESS — The reason the balance was not paid was because there was a deficiency in the appropriation.

The counsel for the State made the same objection as made in No. 2. that the authority by which the work was done is not produced. Bill and receipt received in evidence and marked Exhibit "G." Original on file in the office of the Comptroller.

"For printing by order of committee, for the special committee of the Senate of 1879, to revise Civil, Penal and Criminal Codes, to be paid on the certificate of the chairman of the committee, \$2,952.57."

Q. (Showing bill.) Was that work done by order of the committee? A. It was.

Q. Is it correctly stated in the bill? A. It is.

Q. And the amounts for the work? A. Yes, sir.

Q. Is that the certificate of Mr. Field, and Mr. Edick, chairman of the committee? A. Yes, sir.

Bill and certificate offered in evidence by the counsel for the claimant.

THE WITNESS — I know about all the items, and I swear it is correct. The counsel for the State objected to the item on the same ground as made in No. 2; also that there is no proof of the delivery of these articles; that the delivery receipt book should be produced.

THE WITNESS — I know they were delivered.

The bill and certificates received and marked Exhibit "H." Hereto annexed.

"For printing and lithographing reports of the State Cabinet of Natural History, in 1879 and 1880, to be paid on the certificate of the Secretary of the Board of Regents of the University, \$623."

Q. (Showing bill.) Was that work done as stated in the bill? A. It was.

Q. Is that the certificate of Mr. James Hall and David Murray? A. Yes, sir.

Q. You know the work was done? A. Yes, sir.

Q. And these were fair prices for the work? A. Yes, sir.

The bill and certificates offered in evidence by the counsel for the claimants.

The counsel for the State objected to the item on the ground that there is no evidence given of any authority whatever on the part of James Hall to order printing done at the expense of the State; that some authority should be produced.

The bill and certificates were received and marked Exhibit "I." Hereto annexed.

"For furnishing 1866 copies of the New York Civil List, pursuant to concurrent resolution of the Legislature, passed May 8, 1879, to be paid on the certificate of the Secretary of State, \$3,732."

Q. (Showing bill.) Is that the bill for that work? A. It is.

Q. Is that the resolution under which it was done? A. Yes, sir.

Q. Is that the certificate of the Secretary of State to the delivery of it? A. Yes, sir.

The bill, resolution and certificate offered in evidence by the counsel for the claimant.

Objected to by the counsel for the State, on the ground that there is no proof here that the amount of copies which appears to have been delivered by the bill, viz., one thousand eight hundred and sixty-six, is the number specified in the concurrent resolution; that it appears there were more delivered than were required.

The WITNESS—They were delivered under the written order of the Secretary of State for the specific number of copies.

Resolution, bill and certificate received and marked Exhibit "J." Hereto annexed.

"For seven thousand copies of the Seventh Annual Report of the Adirondack Survey, furnished pursuant to concurrent resolution of the Legislature, passed April 17, 1879, to be paid on the certificate of the Secretary of State, \$24,500."

Q. (Showing bill.) Do you know that bill, and the fact that the work was done? A. Yes, sir.

Q. Was it done in pursuance of the resolution annexed to it? A. It was.

Q. Is that a fair price for the work done? A. It is.

Q. And according to the resolution? A. Yes, sir.

Q. And was the work delivered? A. It was.

Q. Is that the receipt of the Secretary for the work? A. Yes, sir.

Order, resolution, bill and receipt offered in evidence by the counsel for the claimant.

The counsel for the State objected to the item, on the ground that from the date under which the work was furnished, it appears to come within the provisions of the printing contract of Weed, Parsons & Co., with the State, and is to be paid out of the regular appropriation.

Order, resolution bill and receipt received in evidence and marked Exhibit "K." Hereto annexed.

The WITNESS — It took more than a year to do the work on the Adirondack survey.

"For printing fifty copies of the minority report of the special committee on railroads, to be paid on the certificate of such minority, \$76.80."

Q. (Showing bill.) Was that done by order of the minority of that committee? A. It was.

Q. And the work delivered? A. Yes, sir.

Q. And that is a fair price for it? A. Yes, sir.

Q. And that is Mr. Grady's certificate? A. Yes, sir.

Q. He was the chairman of the minority? A. Yes, sir.

Bill and certificate offered in evidence by the counsel for the claimant.

Objected to by the counsel for the State, on the ground that there is no evidence given that Mr. Grady had any right to bind the State by his orders for printing.

Bill and receipt received in evidence and marked Exhibit "L." Hereto annexed.

"For furnishing seventeen sets, full bound, of file boards for Senate and Assembly bills, journals and documents for the use of the State officers, \$102."

Q. (Showing bill.) Did Weed, Parsons & Co. do the work specified in that bill? A. Yes, sir.

Q. Did they deliver these file boards to the State officers? A. Yes, sir.

Q. Was that a fair value for the same? A. Yes, sir, it was.

Q. It was a verbal order? A. Yes, sir; we made them by the order of the Senate — there was a misunderstanding in regard to the order. It was understood that the clerk of the Senate ordered them, and he afterward stated that he did not order them.

By the COUNSEL FOR THE STATE:

Q. Were these file boards used? A. I presume they were. I don't know that they were used, but I know they were delivered.

Q. Do you know whether any other file boards had been ordered of other parties? A. I don't know that. There was none other ordered from us.

Objected to by the counsel for the State, on the ground that there is no authority shown in ordering file boards, sufficient to bind the State.

Bill received and marked Exhibit "M." Hereto annexed.

"For balance of account for printing and lithographing reports of State Cabinet of Natural History, as per bill on file in Comptroller's office, \$128.10."

Q. (Showing paper.) That is Mr. Gallien, the deputy comptroller's handwriting? A. Yes, sir.

The counsel for the claimant offered the certificate of Mr. Gallien in evidence.

The counsel for the State objected to the offer on the ground that the certificate is not regularly proved; that it is hearsay evidence.

Certificate received, and marked Exhibit "N." Hereto annexed.

"For furnishing one hundred and fifty-three sets of Senate and Assembly file boards for bills for the Clerk of the Assembly, pursuant to resolution of the Assembly passed March 4, 1880, \$229.50."

Q. (Showing bill.) Was that work done in pursuance of the resolution attached to the bill? A. Yes, sir.

Q. Is that a fair price for the same? A. Yes, sir.

Q. And certified to by Mr. Johnson, the Clerk? A. Yes, sir.

The bill, resolution and certificate offered in evidence by counsel for the claimant. Received and marked Exhibit "O." Hereto annexed.

"For balance of account for printing, as per bill on file in the Comptroller's office, for Department of Public Instruction, \$95.65; for

Assembly committee on commerce and navigation, \$651.09; for Clerk's Manuals for Clerk of the Assembly, \$6.05; and for commissioners to revise the statutes, \$20."

Q. (Showing bill taken from the files in the Comptroller's office) That work was all done in pursuance of the resolution attached, in relation to the item of \$651.09? A. Yes, sir; it was done by order of the committee.

Q. There has been a balance on each one paid? A. Yes, sir.

Q. And the amounts stated in this bill are the balances? A. Yes, sir.

Offered in evidence by the counsel for the claimant in respect to the item of \$651.09. Received and marked Exhibit "P." Hereto annexed.

The COUNSEL FOR THE CLAIMANT—In this bill the Comptroller made the deductions, and we took the amount which the Comptroller gave; we objected to the deduction; the other bills are not deductions but were deficiencies by reason of lack of appropriation.

In relation to the item of \$128.10, covered by the certificate of the Deputy Comptroller, marked Exhibit "N," the counsel for the claimant adduced further proof, as follows:

Q. (Showing bill.) Is that the bill of items which has reference to the receipt marked "N"? A. Yes, sir.

Q. Was that work done? A. Yes, sir.

Q. Is the value of the work correctly stated? A. Yes, sir.

Q. And these are the certificates of James Hall and David Murray attached? A. Yes, sir.

Q. And you have received all of the bill excepting \$128.10? A. Yes, sir.

The counsel for the State made the same objection to this item as made in No. 2 that, there was no authority given to James Hall and David Murray to order printing that should bind the State.

In relation to the item for 7,000 copies of the seventh annual report of the Adirondack survey, the counsel for the claimant adduced further proof as follows:

Q. To what Legislature was that report made? A. My impression is, it was last year's Legislature; either the Legislature of 1878 or 1879.

Q. And immediately upon the passage of the resolution in April, 1879, did Weed, Parsons & Co. commence the work upon it? A. Yes, sir.

Q. The legislative contract which they received in December, 1879, was only for the future? A. That is all.

The counsel for the State raised the question that the contract shows for itself.

"For printing and binding twenty thousand copies of the report of the special committee on railroads of 1879, furnished pursuant to resolution of the Assembly passed February 6, 1880, to be paid on the certificate of the Clerk of the Assembly, \$1,348."

Q. (Showing bill.) Is that the resolution under which the work in that bill specified was done? A. Yes, sir.

Q. Was that work done in pursuance of that resolution? A. Yes, sir.

Q. Is it carried out at its fair value for the work done? A. Yes, sir.

Q. Is that the certificate of the Clerk of the Assembly, Mr. Johnson, on the receipt of the work? A. Yes, sir.

Resolution, bill, and certificate offered in evidence by the counsel for the claimant.

The counsel for the State objected, that the claimant should furnish this Board with some authority, or statute, by which a single house of the Legislature is authorized to bind the State by an order for printing.

The same was received and marked Exhibit "Q." Hereto annexed.

"For printing and binding fifty copies of chapters fourteen and twenty-one inclusive, of the revision of the statutes, for the use of the judiciary committee of the Senate of 1880, to be paid on the certificate of the chairman of the committee, \$50."

Q. (Showing bill.) In January, 1880, did Weed, Parsons & Co. bind the statutes referred to in this item? A. Yes, sir.

Q. For the judiciary committee of the Senate? A. Yes, sir.

Q. And upon their direction? A. Yes, sir.

Q. Is that the bill for it? A. Yes, sir.

Q. Is that a fair price for the work done? A. Yes, sir.

Q. Was it delivered to the committee? A. It was.

Q. Is that the certificate of the chairman of the committee on the receipt of the same? A. Yes, sir.

Bill and certificate offered in evidence by the counsel for the claimant; objected to by the counsel for the State on the ground that there is no proof, or reference to any law by which the chairman of the committee, as such, has a right to bind the State for printing.

The same was received and marked Exhibit "R." Hereto annexed. Nos. 19 and 20 passed. Resolutions not attached.

"For printing, lithographing, binding and stationery furnished upon order of Director, the State Museum of Natural History, \$500, to be paid on the certificate of the Director of the Museum." For so much of the work described in the last above item, certified upon the bill presented, as amounts to the sum of \$99.61."

Q. (Showing bill.) Was the work mentioned in that bill done by Weed, Parsons & Co., and delivered as certified there by Mr. Hall? A. Yes, sir.

Q. Is that Mr. Hall's certificate to the receipt of the same? A. It is.

Q. Is that the fair value of the work, and is it correctly stated? A. It is.

Bill and certificate offered in evidence by the counsel for the claimant.

Same objection by the counsel for the State as heretofore made, that there appears to be no authority in James Hall to bind the State.

The same was received and marked Exhibit "S." Claim subsequently withdrawn.

By the COMPTROLLER:

Q. Do you know what authority Mr. Hall had to order printing, as appears by these items? A. No, sir; this last bill is for the office.

"For printing 12,000 of the Report of the State Assessors, pursuant to concurrent resolution of the Legislature, passed February 12th, 1880, \$800."

Q. (Showing bill.) Was that work done in pursuance of the resolution mentioned? A. It was.

Q. Is that stated at its true value for the work? A. Yes, sir. The resolution itself states the price.

Q. Are these the certificates of the delivery of the work? A. Yes, sir.

Bill, resolution and certificates offered in evidence by the counsel for the claimant.

The counsel for the State objected to the item on the ground that it comes within the provisions of the printing contract made by the State with Weed, Parsons & Co.

The same was received and marked Exhibit "T." Hereto annexed.

No. 23. Item for matter of Catskill mountain region passed. No certificate attached.

"For 6,000 copies of the Seventh Annual Report of the Adirondack Survey, furnished pursuant to concurrent resolution of the Legislature, passed April 13th, 1880, to be paid on the certificate of the Secretary of State, the sum of \$15,000.

Q. (Showing bill.) Is that the resolution under which that work was done? A. Yes, sir.

Q. Is that the letter of the Deputy Secretary of State? A. Yes, sir.

Letter and resolutions offered in evidence by the counsel for the claimant.

The counsel for the State objected to the item on the ground:

First. That it comes under the provisions of the printing contract of 1880.

Second. That there is nothing to show that the number ordered by the Deputy Secretary of State corresponds with the number mentioned in the resolution.

The same was received and marked Exhibit "U." Claim subsequently withdrawn.

Q. In regard to this work, the whole of it has been done, but a portion of the work has not been delivered? A. Yes, sir, that is so.

The counsel for the State objected to the allowance, if any shall be made, to items where the work has not been delivered.

Statement of claim amended by the addition thereto of the following item:

"Printing 750 extra copies Assembly Document No. 112, pursuant to Assembly resolutions, passed April 30, 1880, \$30.60.

Q. (Showing bill.) That work was done? A. Yes, sir.

Receipt, resolution and bill offered in evidence by counsel for claimant.

Objected to by counsel for the State on the ground that by the terms of the resolution annexed, the item seems to be covered by the provisions of the printing contract.

The same was received and marked Exhibit "V." Hereto annexed.

Statement of claim amended by the addition thereto of the following item :

"For printing 2,200 copies of the Civil List, pursuant to concurrent resolution of the Legislature, passed May 14, 1880, and as per order of the Deputy Secretary of State."

Q. (Showing bill.) In that bill part of the work has not been delivered? A. About one-half of the books have not been delivered.

Order and resolution offered in evidence by the counsel for the claimant.

Counsel for the State objected, that there is no proof to show that the number ordered by the Deputy Secretary of State corresponds with the number authorized in the resolution.

The same was received and marked Exhibit "W." Claim subsequently withdrawn.

The counsel for the claimant reserved the right to produce a resolution of authority in respect to the item for printing 12,000 copies of the report of the State Assessors.

Q. Wherever a resolution specifies the price of the work, that is work not to be done under the contract; do you understand that to be the rule? A. Yes, sir.

Q. And that has been the practice? A. Yes, sir.

Q. That you know has been the practice under the contract; wherever the resolution of the Legislature specifies a price that the work done under that resolution does not come under the contract? A. Yes, sir, and it has always been paid.

The counsel for the claimant proposed to put in documentary proof in relation to certain of the items, and referring to the legislative journals for the authority of the committees to order the work done.

With the exception of the above, the counsel for the claimant rested his case.

Cross-examination :

Q. I ask you whether, previous to this contract dated December 29, 1880, Weed, Parsons & Co. had a contract for printing for the State? A. Not for the legislative printing.

Q. Did they have any contract covering the year 1879? A. I think not; that is my impression; I think our contract for department printing expired the first of January, 1879.

Q. You had a contract for department printing dated December 29, 1876, did you not? A. Yes, sir, I think we did.

Q. That ran for two years? A. Yes, sir.

Q. Do you know who had the contract for printing, during the year 1879, the legislative printing? A. Van Benthuyssen had it.

Q. Did the Van Benthuyssen contract cover the department and legislative printing? A. No, sir; the Argus Co. had the department printing; I think it was for 1879 and 1880; the contract was made in December, 1878; that is my impression.

Q. Has it been customary for the State to make two separate contracts, one for the legislative printing and one for department printing? A. Yes, sir.

Q. How long has that prevailed? A. I don't know.

Q. Haven't they united them in any of the contracts? A. Never to my knowledge.

Q. How long have you been engaged in the firm of Weed, Parsons & Co., as a member of the firm? A. I am not a member of the firm.

Q. You are in the employment of Weed, Parsons & Co.? A. Yes, sir.

Q. How long have you been in their employ? A. I could not answer that question; I suppose about seventeen years.

Q. What has been the particular department of the business that you have had charge of? A. I have had a general supervision of matters in the office.

Q. You have done some business on your own account—publishing business? A. Yes, sir; publishing reports and law books.

Q. Who ordered the printing of the report of the special committee on the State Normal Schools? A. I think Mr. Gilbert, who was the member of the Legislature that made the report; and my impression is we got the copy from the Clerk of the Assembly; it was done by resolution of the Assembly; Mr. Gilbert was the chairman.

Q. For printing by order of the committee, binding and furnishing materials for committee on general laws of the Assembly; there don't seem to be any resolution referred to; was that ordered simply by the chairman of that committee? A. Yes, sir; my impression is, the committee have power to have the printing done; it is always customary to have the printing done so as to have it before the committee, each day as they meet.

By the COUNSEL FOR THE CLAIMANT:

Q. It has always been audited and recognized? A. Yes, sir.

By the COUNSEL FOR THE STATE:

Q. When was this Seventh Annual Report of the Adirondack Survey printed? A. Printed during 1879, by Weed, Parsons & Co.

Q. Under what authority? A. The resolution of the Legislature, under Mr. Colvin's order and direction.

Q. Under that resolution of April 17, 1879, Mr. Colvin directed you to do the printing? A. Yes, sir.

Q. You have never made any estimate as to the number that was required by the resolution? A. We left that to the Secretary of State.

Q. All you did was to furnish the number that the deputy Secretary of State directed? A. Yes, sir, and we furnished the number called for.

Q. This railroad committee minority report, who was that ordered by? A. I think it was by Mr. Grady.

Q. Do you consider that Grady had authority to order printing? A. We printed the majority report, and he made the minority report, and we printed both of them.

Q. Was the minority report ordered by the chairman of the committee? A. There were some members of the committee there with Mr. Grady; they knew he was to make it, and we talked about it at the time, with several members of the committee.

Q. Do you remember how many pages there were in the report of the minority? A. No, sir.

Q. How do you get at the amount, \$76.80? A. I had the document before me when I charged it; I knew at the time what number it was.

Q. On what basis do you make the calculation of dollars and cents? A. We charge so much for composition, paper, and press work.

Q. Do you know how much you charged in that case? A. I don't; No, sir.

Q. Haven't you any idea on what basis you made the charge? A. Yes, sir; I suppose we charged the regular rates.

Q. What were they? A. We charged regular prices for composition, and for paper, and press work, and binding.

Q. What was the charge for composition? A. About eighty cents for a thousand ems, from seventy-five to eighty cents.

Q. You don't charge by the page for such documents? A. No, sir; we charge for a thousand ems.

Q. Was seventy and eighty cents a thousand ems the usual price? A. Yes, sir.

Q. What do you charge for printing law cases? A. One dollar and twenty-five cents per page.

Q. That wouldn't be any thing like seventy-five or eighty cents a thousand ems? A. Yes, sir, it would be about that.

Q. What kind of type do you set those cases in? A. In different type; sometimes in long primer and other times in small pica.

Q. How many thousand is there in a regular page, in printed cases? A. I don't recollect.

Q. Printing and lithographing reports of State Cabinet of Natural History; when was that done? A. I don't remember the date.

Q. Printing and binding fifty copies of chapters fourteen to twenty-one, inclusive, of the revision of the statutes for the use of the judiciary committee of the Senate; who ordered that? A. I think Senator Robertson.

Q. There is no reference to any resolution here; do you know by what authority he ordered it? A. He ordered it as chairman of the judiciary committee of the Senate.

Q. Printing done for the Regents of the University, proceedings of the University Convocation of 1876; who ordered that? A. The Secretary of the Board, through Mr. Pratt; sometimes either the Secretary or Mr. Pratt.

Q. Printing and binding manual of the Regents of the University

for 1880, \$700; do you know who that was ordered by? A. By Mr. Pratt.

Q. Did he give you the number to print? A. Yes, sir.

Q. Mr. Pratt is not the Secretary? A. No, sir, he come to us, as I supposed, from the Secretary; I think he acted as Secretary during Dr. Woolworth's sickness.

Q. Printing 12,000 copies of the report of the State Assessors pursuant to concurrent resolution, \$800; is not that legislative printing? A. No, sir, we don't consider it such.

Q. It is a report made by State officers to the Legislature? A. Yes, sir; they passed the resolution, and the resolution states that we shall receive \$800, for doing the printing of 12,000 copies; that is the one, the resolution of which, I failed to bring up.

Q. Who printed this Adirondack survey under the resolution of 1880, \$15,000? A. Weed, Parsons & Co.

Q. What is the reason that don't come under the contract for legislative printing? A. It is not a document presented to the Legislature of 1880.

Q. There is nothing in your contract that limits the printing? A. We should consider it so; we only agreed to print the documents presented by the Legislature of 1880 and 1881; this was presented to a previous Legislature.

The Board requested the claimant to furnish to the Board sample copies, as near as can be, of the work done as set forth in the several items, constituting the claimants' statements.

The counsel for the claimant introduced in evidence the journals of the Legislature of 1879 and 1880.

The counsel for the State objected to the introduction of the books as not specific.

Adjourned to meet on Saturday, 19th inst. at 10 A. M.

OFFICE OF THE SECRETARY OF STATE, }
SATURDAY, June 19, 1880, ALBANY, N. Y. }

Board met pursuant to adjournment. Proceedings resumed as follows:

Weed, Parsons & Co.

agst.

The State of New York.

The counsel for the claimant put in evidence, to be attached to Exhibit "B," in relation to the item for printing 300 copies of testimony in the matter of the contested seat of George F. Carman against Charles T. Duryea, a resolution contained in the Assembly Journal of 1879, page 59.

Also, resolution contained in Assembly Journal of 1879, at page 610, applicable to Exhibit "E." And to be attached thereto. Also, referring to Assembly Journals of 1879, page 1417, and 1880, page 67, as applicable thereto.

Also, resolution contained in the Senate Journal of 1878, at page 811, applicable to items contained in Exhibit "H." And to be attached thereto.

Also, referring to the Session Laws of 1879, page 353.

The counsel for the claimant withdrew the Journals of the Legislature of 1879 and 1880, heretofore received in evidence and objected to as not specific.

The counsel for the claimant put in evidence page 311 of the Laws of 1878, applicable to items contained in Exhibit "I." And to be attached thereto.

Also, section 3 of the Laws of 1878, at page 449, applicable to items contained in Exhibit "K." And to be attached thereto.

Also, resolution contained in Assembly Journal of 1879, page 623, applicable to items in Exhibit "L." And to be attached thereto.

The counsel for the claimant called the attention of the Board to the fact, "That Assembly bills, journals, and documents are directed to be furnished to State officers." As a basis of authority for printing items contained in Exhibit "M." \$102.

The counsel for the claimant also put in evidence resolution contained in Assembly Journal of 1879, at page 623, applicable to item contained in Exhibit "Q." See resolution attached to Exhibit "L."

The counsel for the claimant offered to produce receipt of delivery of articles contained in Exhibit "R."

John D. Parsons recalled :

The witness produced and read from a receipt-book, receipts for items, as follows :

- 100 copies of Colvin's Adirondack Survey. Receipt signed by Verplanck Colvin; dated February 27, 1880.
- 300 copies of same. Receipt signed by D. J. Blauvelt; dated March 10, 1880.
- 660 copies of same. Receipt signed by Lee Chamberlain; dated March 10, 1880.
- 660 copies of same. Receipt signed by A. De Wayne Strickland; dated March 11, 1880.
- 660 copies of same. Receipt signed by D. J. Blauvelt; dated March 11, 1880.
- 680 copies of same. Receipt signed by D. J. Blauvelt; dated March 11, 1880.
- 660 copies of same. Receipt signed by D. J. Blauvelt; dated March 11, 1880.

- 340 copies of same. Receipt signed by D. J. Blauvelt; dated March 13, 1880.
- 300 copies of same. Receipt signed by V. Colvin; dated March 17, 1880.
- 100 copies of same. Receipt signed by V. Colvin; dated March 19, 1880.
- 300 copies of same. Receipt signed by D. J. Blauvelt; dated May 11, 1880.
- 300 copies of same. Receipt signed by D. J. Blauvelt; dated May 11, 1880.
- 300 copies of same. Receipt signed by D. J. Blauvelt; dated May 11, 1880.
- 300 copies of same. Receipt signed by Cozzens; dated May 12, 1880.
- 300 copies of same. Receipt signed by D. J. Blauvelt; dated May 13, 1880.
- 300 copies of same. Receipt signed by D. J. Blauvelt; dated May 13, 1880.
- 100 copies of same. Receipt signed by V. Colvin; dated May 13, 1880.
- 200 copies of same. Receipt signed by Anson S. Wood; dated May 14, 1880.
- 400 copies of same. Receipt signed by Mr. Blake for V. Colvin; dated May 14, 1880.
- 438 copies of the New York Civil List. Receipt signed by J. B. Carr, per G. H. O.; dated May 3, 1880.
- 145 copies of same. Receipt signed by D. Caswell; dated Mar. 3, 1880.
- 294 copies of same. Receipt signed by J. B. Carr, per G. H. O.
- 292 copies of same. Receipt signed by Robert A. Wood; dated May 5, 1880.
- 231 copies of same. Receipt signed by Robert A. Wood; dated May 5, 1880.
- 233 copies of same. Receipt signed by D. J. Blauvelt; dated May 6, 1880.
- 233 copies of same. Receipt signed by Robert A. Wood; dated May 6, 1880.
- 420 copies of same. Receipt signed by D. J. Blauvelt; dated May 21, 1880.
- 280 copies of same. Receipt signed by D. J. Blauvelt; dated May 22, 1880.
- 140 copies of same. Receipt signed by J. B. Carr, per Overrocker; dated May 24, 1880.

That is all that has been delivered, and the balance is nearly completed; I know that every thing has been delivered that is covered by these several items; there are not any of the items of work delivered, but what I can furnish receipts for; where the testimony has been taken from our office by a committee clerk, then in such case we have not always a receipt.

Q. You have not a receipt for printing fifty copies on the minority report of the special committee on railroads? A. I don't think that we would have a receipt; they were delivered to Mr. Grady, personally.

Where a man orders the work and comes and takes it himself, we frequently let him have it without a receipt. The object of taking these receipts is to know that the work gets to its destination properly; but where we deliver to a man personally, we do not consider it necessary to take a receipt. I know that the minority reports were delivered to Mr. Grady; the chairman told us that we were at liberty to print this minority report for Mr. Grady.

•Q. Did Mr. Hepburn say that to you? A. I spoke to him about it in our office, and he said it was all right, that the minority report should be printed.

The counsel for the claimant offered to furnish any other receipts of delivery of work set forth in items constituting claimant's claim, not furnished, and which may be desired by the Board.

By the COUNSEL FOR THE STATE:

Q. Have you looked, yourself, to see whether these items called for, outside of your office, have been delivered? A. Whenever we charge these things, we examine the documents ourselves and know that they have been delivered.

Q. You make the charge according to the report to your office, for instance, of the bindery man, that goods have been sent out and delivered? A. Yes, sir; and this receipt book is simply a copy of the report sent to the office; the receipt is copy of his work as it is counted in the bindery.

Q. And the receipt in the delivery book is a receipt given by the parties to whom it is delivered? A. Yes, sir.

Q. And the report of your bindery man is a receipt that he has delivered the work? A. Yes, sir, he is the man that counts the work for delivery.

The counsel for the State put in evidence the printing contract of Weed, Parsons & Co. with the State of New York, to be found in Assembly document No. 36. Contract dated 29th December, 1879.

Received and marked Exhibit "1." Hereto annexed.

Henry Gallien, sworn for the State and testified:

Q. You are Deputy Comptroller? A. Yes, sir, and have been for a number of years; I was acting as Second Deputy Comptroller during the illness of Mr. Phelps, who was incapacitated since the 1st of July, 1868; Governor Robinson formally appointed me deputy; I have been there since 1868 as Deputy Comptroller.

Q. (Showing bill Exhibit "G.") Do you remember any thing about that bill having been presented to the Comptroller by Weed, Parsons & Co.? A. Yes, sir.

Q. When was it presented? A. In the month of June, 1879, soon after the passage of the supply bill of that year.

Q. There is a mark in red ink on the first page, "\$3,282.91." Do you know any thing about that, how that comes to be there? A. I do not, sir; I do not understand that.

Q. What is the gross amount of that bill? A. The bill foots up \$3,675.21, and \$10 deducted for errors, leaving the amount \$3,665.21.

Q. The Comptroller issued his warrant for \$3,000, on that bill? A. Yes, sir.

Q. Why wasn't the whole amount paid; or why was just that amount paid? A. Senator Edict, the chairman of the committee, certified to only \$3,000; the appropriation of only \$15,000, of which this was a part, was insufficient to pay all the expenses incurred, and they made the printers stand the difference; I think all these expenses were paid with the exception of the printers' account.

Q. The difference between the amount of the bill and the amount of the Comptroller's warrant is \$665.21? A. Yes, sir.

Q. Does that appear to have been audited in any way? A. Yes, sir, it appears to have been examined by Mr. John Bronk, who was then in charge of our stationery department; he is a practical printer; the \$10, deduction for errors, is made in his handwriting on the bill.

Q. What is this mark on the margin; do you know whose writing that is in? A. Yes, sir, that is Mr. Bronk's.

Q. What is that? A. "Error in binding 500 copies, Code of Civil Procedure, \$10;" and deducted from the total of the bill leaving the amount less \$10? A. I don't know but I should correct myself in regard to Bronk being a practical printer; he was for a number of years connected with an office in Schenectady, and for a certain time with Weed, Parsons & Co.

Q. And the reason why more was not paid was that the appropriation was exhausted? A. That, I know, was the reason; the other claims would exhaust the appropriation with this \$3,000.

Q. And that is why they certified to just \$3,000 on the bill? A. Yes, sir; Mr. Montgomery Throop had a claim of \$7,500; and some other persons had claims, and those claims exhausted the appropriation.

Q. Do you know Mr. Chase's figures? A. Yes, sir; that looks like Chase's figures; Mr. Chase is the present stationery clerk in the Comptroller's office.

Q. (Showing Exhibit "H.") Was that bill ever presented to the Comptroller? A. I have no recollection of seeing this bill before.

Q. (Showing bill, Exhibit "N.") Do you know any thing about that bill? A. Yes, sir.

Q. What is the gross amount of that bill? A. The bill called for \$698.38, and the Comptroller paid \$570.28, which was the balance of the appropriation.

Q. Do you know how much that appropriation was? A. No, sir; it was quite a large appropriation, and there was quite a number of payments made; the final payment exhausted it, and left a balance of \$128.10, for which I gave a certificate on the 16th of March, 1880, I have no doubt, with the view of having it inserted in the supply bill; I gave a certificate for the balance due unpaid.

Q. Is there an appropriation for the same purpose for the ensuing year? A. No, sir; that was a special appropriation for engraving and printing; there is a regular appropriation of \$10,000 every year.

Q. That does not include printing, in terms? A. Page 214, Laws of 1879, provides for the State Museum of Natural History for salary of Director and three assistants, and for the increase and preservation of the collection, \$10,000. That is the language of the appropriation annually; that is for the State Museum of Natural History.

Q. In the appropriation bill, under the head of Regents of the University, in 1878, there is an appropriation for James Hall, State Geologist, etc., \$2,500? A. That is a separate matter.

By the COMPTROLLER:

Q. Under what appropriation does the bill under consideration in the claimant's statement come? A. A special appropriation of \$5,000; in the supply bill of 1878; the appropriation was \$3,822.50, under the act of 1878.

By the COUNSEL FOR THE CLAIMANT:

Q. This would have been paid if the appropriation had been sufficient? A. Yes, sir.

Q. You paid all you could? A. Yes, sir.

By the COMPTROLLER:

Q. For printing and lithographing reports of the State Cabinet of Natural History, \$623. (Referring to Exhibit "I".)

The witness cited laws of 1878 at page 311.

Q. The appropriation was enough to cover these two items? A. I think the work was in progress, but not executed.

Q. There was an appropriation of \$3,822.50? A. Yes, sir.

Q. That appropriation, if it hadn't been drawn for any other purpose, was enough to cover these bills mentioned here? A. Yes, sir; but all the bills are not mentioned here; this was a current account.

By the COUNSEL FOR THE CLAIMANT:

Q. The appropriation was enough to cover these, if there had been no other bills? A. But these are the same kind of bills; if you put them all together it would more than exhaust the appropriation; the work was done gradually, and the bills come in periodically, and when the last one come, we had no money; we paid as fast as we could.

Q. These gentlemen, when they did this work, knew there was an appropriation sufficient to cover it? A. It is a singular appropriation, from the fact of there being odd dollars and cents; I think there must have been an estimate of the probable cost of the work which must have been inserted in anticipation of the work done; the bills have come right along as the work progressed; when the last bill came, we found we could not pay because the appropriation was not sufficient.

By the COMPTROLLER:

Q. Was there an appropriation in 1879 to continue this work? A. I think not, because we paid as late as the 13th of March, 1880, so we would not look to the appropriation of 1879; this work has been going right along from 1878 down to the present time.

By the COUNSEL FOR THE STATE:

Q. (Showing Exhibit "P.") There are four or five items, all of which are waived except the item of \$651.09; the gross amount of

these bills that are attached to the warrant is how much? A. The two bills amount to \$3,042.

Q. One of these bills is for printing testimony in relation to the removal of the agent and warden of the Auburn prison, amounting to \$184? A. Yes, sir.

Q. The other bill is for printing testimony and proceedings in relation to the investigation of matters connected with the construction of the East river bridge, \$2,858? A. Yes, sir;—(referring to the laws of 1879)—it was charged to the contingent expenses of the Legislature.

Q. There is a charge here, now before the Board, for a balance of \$651.09 for work done for the Assembly committee on commerce and navigation; I want to know what the balance is and how it came to be there? A. I think the bills were cut down; the appropriation was for the face of the bill, and the bill was cut down; chapter 507 of the Laws of 1879 refer to the item of \$2,858; and the bills were for just the amount of the appropriation, but they were cut; these bills were audited for the amount paid, which is a reduction; the deduction on the Auburn matter is \$48.68, and on the East river bridge matter, \$651.11; the last amount is a deduction on the East river bridge matter.

Q. Is it customary in the Comptroller's office when the Comptroller examines a bill, and allows a less amount than the face of the bill, assuming the appropriation is sufficient to cover the whole bill, for him to make out any formal decision in writing, other than to draw a warrant for the amount that he considers the bill good for? A. I have known such cases, but they are rare.

Q. That is not the usual practice? A. No, sir.

Q. Have you any recollection of this bill? A. I have, sir.

Q. I understood you to state that the bill was examined and cut down by the Comptroller? A. Yes, sir. It was examined by Mr. Bronk, and his notations appear upon the bill; they were paid at the figures he gave to us.

Q. These figures on the first page, in pencil, are those Mr. Bronk's figures? A. They are, sir.

Q. They foot up \$135.32? A. Yes, sir.

Q. Was that the amount that was allowed on this bill of \$184? A. Yes, sir.

Q. And the difference between them is the amount the bill was reduced on examination? A. Yes, sir.

Q. On this bill of \$2,858 against the committee of commerce and navigation, I notice the figures \$2,206.89? A. Yes, sir.

Q. Are those Mr. Bronk's figures? A. No, sir, I think they are my figures.

Q. Do those figures, \$2,206.89, represent the amount of that bill that was paid? A. Yes, sir; I can only explain in this way; Mr. Bronk must have given me a statement rather more in detail; I put the figures down that he gave me as the result of his examination.

Q. What was the stationery clerk's duties in the Comptroller's office; for the purpose of going over printing bills and examining them? A. Yes, sir.

A. As to the propriety of various charges? A. Yes, sir.

Q. That is your recollection, is it? A. Yes, sir.

Q. That bill of \$2,858 was reduced to \$2,206.89? A. Yes, sir.

Q. And the warrant drawn for the amount of the two bills less these reductions? A. That is the fact.

Cross-examination :

Q. The first of these bills was made out at \$184, was it not? A. Yes, sir.

Q. It was certified to be correct by Mr. Pomeroy, the chairman of the committee, was it not? A. Yes, sir.

Q. The next bill was made out at \$2,858? A. Yes, sir.

Q. And certified to by Charles R. Knowles, the chairman of the committee, to be correct? A. Yes, sir.

Q. The Legislature appropriated these two amounts to pay these bills? A. Yes, sir.

Q. The appropriation is found on page 507 of the Laws of 1879? A. Yes, sir.

Q. You stated that there was \$48.68 deducted from the bill certified to by Mr. Pomeroy? A. Yes, sir.

Q. And \$651.11 deducted from the bill certified to by Mr. Knowles? A. Yes, sir.

Q. Do you know of any reason for these reductions? A. No, sir; I cannot give any reason.

Q. Then all you do know is, that reductions were made, and the amounts, after deductions were made, were paid? A. Yes, sir.

Q. The figures in red ink on each of the bills are by Mr. Bronk? A. Yes, sir; the notation of examination is.

Q. And the same in regard to the other bill? A. Yes, sir.

Q. Is that his upon both bills? A. Yes, sir.

Q. And those figures are not connected with that memorandum of examination made by him? A. Not any connection with the memorandum "examined June 28, 1879, B." There is on the first bill.

Q. Is there any connection with the red ink? A. There is not, sir.

Q. All that there is in regard to any looking to reduction, or aspect of making a deduction, is some figures in pencil below, is it not, on the first bill? A. Yes, sir.

Q. And there is nothing in connection with those figures that implies that the bill should be reduced that amount, is there? A. There is nothing that says it should be reduced.

Q. And in the second bill there is simply the figures made by you, of \$2,206.89? A. That is all.

Q. Without anything being stated whether it should be deducted or not? A. Yes, sir.

Q. The figures were made in pencil? A. Yes, sir.

By the COUNSEL FOR THE STATE.

Q. Those figures in pencil on those two bills correspond with the amount that was paid. A. Yes, sir.

Q. And aside from the figures on the bill, you remember that the bill was examined by the stationery clerk, and the Comptroller did reduce the bill? A. Yes, sir.

Q. On account of the examination by the stationery clerk? A. Yes, sir.

By the COUNSEL FOR THE CLAIMANT.

Q. Do you know that at the time the reduction was made, and payment was made, that Mr. Parsons objected to the reduction being made? A. I do, sir, most positively; especially the large one.

By the COUNSEL FOR THE STATE :

Q. On what ground did he object? A. He objected that it was not right to reduce it.

Q. Who did he object to, to you or to Mr. Olcott? A. It was well understood by Mr. Olcott and myself that Mr. Parsons objected to the audit of that bill.

Q. Was any thing said either by you or the Comptroller, to Mr. Parsons, as to the reason why the bill was reduced? A. The bill was given to Mr. Bronk for examination; he was supposed to be versed in that kind of work; he gave his results, and the Comptroller would not deviate from that conclusion; that is the best I can express about it; he audited the bill at that, and that was the end of it.

Q. (Showing bill, Exhibit "S.") Was that bill payable, if payable at all, out of an appropriation that we have talked about — the State Museum of Natural History? A. I should say not.

Q. Printing, lithographing, binding and stationery, on the order of the Director of the Museum of Natural History; there are appropriations to the State Museum for the purpose of covering such things? A. I think Professor Hall is of the opinion that the \$10,000 appropriation is too small, and he aims to get that by a special appropriation.

Q. Necessary stationery to be used in the State Museum? A. There is nothing of that kind; Professor Hall has applied annually to the Legislature for his appropriations; his salary is \$3,500, and he has three assistants at \$1,000 or \$1,200; the expenses for printing and like expenses he seeks to obtain through special appropriations; the bills of this kind have been uniformly paid; they have been allowed in the supply bill.

Adjourned to meet June 21, inst., at 10 A. M.

OFFICE OF THE SECRETARY OF STATE, }
ALBANY, N. Y., June 21, 1880. }

Board met pursuant to adjournment.

Weed, Parsons & Co. <i>agst.</i> The State of New York.

Proceedings resumed as follows :

Franklin Chase, sworn for the State, and testified as follows :

Q. You are stationery clerk in the Comptroller's office? A. Yes, sir.

Q. Are you in the habit, as such, of examining bills that are presented to the Comptroller? A. Yes, sir.

Q. With reference to the rates and charges in the bills? A. Yes, sir.

Q. (Showing Exhibit "B.") Is that your handwriting? A. It is.

Q. Did you look over that bill? A. Yes, sir; I compared the bill with the printed sample before me of the matter that was printed.

Q. What conclusion did you come to about that bill? A. I thought that was a fair charge.

Q. You thought it was a reasonable charge? A. Yes, sir.

Q. And so marked the bill? A. Yes, sir.

Q. (Showing Exhibit "C.") Did you examine that bill? A. Yes, sir.

Q. Do you remember the number of pages of that document? A. I have a memorandum that will show; I don't remember the number of pages; I had the sample before me.

The counsel for the claimant here stated, speaking from his own personal knowledge, that proposals for printing the work described in Exhibit "C," were sent out to the different printing establishments, and that Weed, Parsons & Co. were the lowest bidders; that that firm done the work, and that the Legislature subsequently ordered more copies as appears by the resolution of the Assembly under date of April 29, 1879, attached to the bill.

Q. You examined that bill and marked what you considered the amount at the usual rates? A. Yes, sir.

Q. What did you mark that? A. I marked it \$333.

Q. How did you get at that figure; what was your method of computation? A. I estimated the amount of paper, the amount of composition, and amount of press work, and the binding.

Q. On what basis did you figure, as to the amount per page of a thousand ems of composition? A. That is measured easily enough by taking the size of page and type.

Q. There is some sort of figure that you take as the rate per thousand ems for instance; what figure did you take? A. I allowed seventy-five cents per thousand ems.

Q. You figured at the rate of seventy-five cents per thousand ems? A. Yes, sir.

Q. What did you figure for press work? A. I figured press work five forms, at \$5 a form. A form is a set of pages. It is what is called a signature.

Q. Is that the usual rate of charging? A. I should think it was as high as the usual rates; the rate varies according to the number of copies.

Q. Here was 3,200 copies; how many signatures were there? A. There were five; it is a sheet of pages.

Q. In an octavo, how many signatures? A. There would be one to every eight or ten pages.

Q. And a duodecimo, one to every twelve or twenty-four, according to the size of the press? A. Yes, sir.

Q. What other element entered into the computation? A. The amount of paper and cost; I estimated that it took fourteen reams of fifty-pound paper.

Q. Have you had any practical experience in the printing business before you became clerk in the Comptroller's office? A. Yes, sir, in Binghamton; I am a practical printer.

Q. How long have you been engaged in that business? A. I should think twenty years.

Q. (Showing Exhibit "D.") Have you examined that bill? A. I have examined that bill.

Q. What do you think a fair and proper charge for that bill? A. Seven hundred and seventy-six dollars and twenty-five cents.

Q. Did you have a specimen of that report before you? A. Yes, sir, I think I must have had, because I have the items here; I don't remember distinctly.

Q. (Showing Exhibit "E.") Have you examined that bill? A. I did not have any sample copy of that, but I judged from the items — I consider the charge reasonable.

Q. (Showing Exhibit "F.") Did you examine that? A. Yes, sir.

Q. What would be a fair amount for that bill as you computed it? A. Four hundred and fifty-four dollars; I had a sample of the work in this bill.

Q. (Showing Exhibit "G.") Did you examine that bill? A. Yes, sir.

Q. You marked the gross amount, \$3,282.91? A. Yes, sir.

Q. You think that is a fair aggregate for the items specified in the bill according to the usual rates? A. Yes, sir.

Q. (Showing Exhibit "H.") Did you examine that? A. I examined it to a certain extent, and there was several things that I did not understand; there is time charged at seventy cents per hour, and I charged it at sixty cents per hour.

Q. What is that charge upon? A. Correcting proof.

Q. What would be the difference upon that item: how much is the item as carried out in the bill? A. The first is \$129.50, and the difference is \$18.50. The next is 245 hours, amounting to \$171.50, and I deducted \$24.50. There are no other items; that is all I could understand; the items seemed reasonable so far as I could understand, except those two.

Q. (Showing Exhibit "I.") You made no examination of that? A. No, sir.

Q. You marked that "No data"? A. Yes, sir.

Q. (Showing Exhibit "J.") Did you make any examination of that? A. No, sir; I had no copy or sample of the book.

Q. Could you, by having a copy of it, make an estimate that you think would be approximately reasonable? A. I think so.

Q. (Showing Exhibit "K.") Did you make any examination of that? A. Yes, sir, as well as I was able; I should not want to give my opinion as an expert, because I am not acquainted with lithographing and engraving.

Q. Did you make an estimate upon the whole work? A. Yes, sir; I estimated it at \$16,806.

Q. Did you have information in regard to the expense of lithographing at all? A. No, sir.

Q. You must have had that enter into your calculation? A. I estimated the lithographing work at so much a thousand impressions, but the engraving I had no proper data; I estimated the engraving accord-

ing to the best of my judgment, at \$1,690. I guess there were about fifty plates and maps, some very small and some very large.

Q. Can you separate that estimate for the work, and give what the amount of your estimate would be, excluding the lithographing and engraving? A. Yes, sir; folding the maps, \$227.50; pasting the double sheet maps, \$140; paper for the book aside from the maps, 130,700 sheets at two cents a sheet, \$2,614; composition, 540 pages at \$2.50 a page, \$1,350; press work, sixteen forms at \$14 a form, \$224; binding 7,000 copies at seventy-five cents each, \$5,250. The paper for the maps and plates I estimate at \$1,571; and the printing of the maps and plates at \$3,540.

By the TREASURER :

Q. By adding \$1,690, estimate for the engraving, you get the total amount of \$16,606; which you have estimated? A. Yes, sir.

Q. (Showing Exhibit "L.") Did you examine that? A. Yes, sir.

Q. What in your opinion, and from your examination, would you say was a reasonable charge for that? A. Sixty-one dollars and thirty cents.

Q. (Showing Exhibit "M.") Did you examine that? A. Yes, sir.

Q. What is a reasonable amount for that, as you estimated it? A. I consulted a binder in regard to that, and took his judgment; he estimated it at \$89.25.

Q. (Showing Exhibit "N.") Did you look over that? A. No, sir, I had no data; I did not examine it; I had no samples.

Q. (Showing Exhibit "O.") Did you examine that? A. No, sir.

Q. Those are half bound? A. I did not examine them.

Q. You can make a computation on that, as well as on the other that is full bound? A. Yes, sir.

Q. (Showing Exhibit "P.") Did you examine that? A. I did not examine that.

Q. (Showing Exhibit "Q.") Did you examine that? A. Yes, sir; I thought that charge was reasonable; I had a sample before me of the work; my figures were higher than theirs.

Q. How much higher is your estimate? A. The original bill is \$1,348; and my estimate is \$1,455.

Q. (Showing Exhibit "R.") Did you examine that? A. I did not have the data in that case; I did not estimate on that item.

Q. (Showing Exhibit "S.") Did you examine that? A. No, sir.

Q. Why didn't you examine that? A. I had no copies sent me; this is mostly small items, as for paper, twine, etc.; I should think it was reasonable so far as I have examined it.

Q. (Showing Exhibit "U.") Did you examine that? A. Yes, sir, I did; and I thought it was a reasonable charge.

Q. (Showing Exhibit "W.") Did you examine that? A. No, sir, I did not.

The following items were here withdrawn by the counsel for the claimant, for the reason that it does not appear that the whole amount of work required by the resolution applicable to said items respectively has been delivered:

Item for printing 2,200 copies of the Civil List, pursuant to concurrent resolution of the Legislature. Marked No. 26, Exhibit "W."

Item for printing 6,000 copies of the Seventh Annual Report of the Adirondack Survey, furnished pursuant to concurrent resolution. Marked No. 24, Exhibit "U."

Item for printing and lithographing 1,000 copies of the Geological Map of the Catskill Mountain Region. Marked No. 23.

Item for printing, lithographing, binding and stationery, furnished upon order of Director of the State Museum of Natural History. Marked No. 21, Exhibit "S."

Item for printing, and binding in cloth the Manual of the Regents of the University, for 1880. Marked No. 20.

Item for printing, and binding in cloth, on the order of the Regents of the University, proceedings of the University Convocation of 1876. Marked No. 19.

Cross-examination :

Q. (Showing Exhibit "C.") In estimating the item number 3, for printing proceedings of the Legislature in commemoration of its removal from the old to the new Capitol, you have placed it at \$333?

A. Yes, sir.

Q. Was the resolution attached to the bill; did it refer to the price?

A. There is a resolution there.

Q. That resolution says that the cost of the same is not to exceed the rates paid for the first edition printed, does it not? A. Yes, sir.

Q. Were not the rates paid for the first edition arrived at by competition among the printers of the State? A. I don't know of my own knowledge.

Q. Don't you understand that to be the case? A. I understand it so.

The examination of this witness was here suspended.

John D. Parsons, recalled and further testified:

Q. Do you remember that in the winter of 1879, your firm received invitations to bid for this work, to print proceedings of the Legislature in commemoration of the removal from the old to the new Capitol? A. Yes, sir.

Q. Did you make a bid for the same? A. Yes, sir; Weed, Parsons & Co. did.

Q. Did you understand, at the same time, that other printers received invitations from the joint committee to bid for the same work? A. Yes, sir.

Q. Upon awarding the contract to do the work did you understand that Weed, Parsons & Co. were the lowest bidders? A. Yes, sir.

Q. Did they do the work? A. They did.

Q. And received their pay? A. Yes, sir; for the first edition.

Q. This item, number 3, is for printing second edition, under the resolution annexed to the bill put in? A. Yes, sir.

Q. And was the price charged at the same rate of the bid made by Weed, Parsons & Co., for the first edition? A. Yes, sir; at the same rate the first edition was paid for.

Cross-examination :

Q. From whom did you understand that other printers were invited to bid on the work? A. We understood it from the fact that we received an invitation to bid, and that other printers were going to bid.

Q. Did you understand any thing of that kind from the committee? A. Not that I recollect of.

Q. When was the first edition of that printed? A. It was charged April 2, 1879.

Q. Was the first edition stereotyped? A. I don't recollect.

Q. What is your impression about that? A. I could not say whether it was stereotyped or not; I don't remember.

Q. You can find out? A. I suppose I can.

Q. You calculated item number 3 at the same rates as the first edition? A. Yes, sir; at the same rates as the first edition; it is so charged.

Examination of Mr. Chase resumed :

Q. In item number 6, for printing by order of the committee, testimony in the matter of the contested seat of Liddle against Hynes, how much do you charge in your estimate per 1,000 ems? A. I think I charged seventy-five cents.

Q. If it was stereotyped it would be more? A. It should not be more.

Q. Just the same? A. They have no right to charge for stereotyping, as composition.

Q. If they do stereotype it, they get more pay? A. I should think not.

Q. So, in the Adirondack survey, if they had the first edition stereotyped, it ought not to detract or lessen the expense of the second edition? A. I suppose the understanding with printers is, that it is for their benefit if they choose to stereotype it; I suppose they would have the right to charge the same.

Q. They charge \$1 for a thousand ems, in the Liddle against Hynes case, and your estimate is seventy-five cents? A. I don't know what they charge.

Q. How many thousand ems do you make in your estimate? A. I made 440,000.

Q. How much did you charge for paper in your estimate? A. I charged \$6; there was fifty copies only.

Q. How much in your estimate did you allow for printing? A. Forty-two dollars.

Q. How much for folding and binding did you allow? A. I allow \$5; this is for the fifty copies; I am not including the 150 extra.

Q. You say they ought not to be paid for the stereotyping; if that is so, ought they not then to charge for 150 copies afterward printed? A. I supposed that it was done immediately afterward, so I didn't make any allowance; I did not allow for any composition.

Q. Either they should be allowed for the stereotyping, or else they should be allowed for the new composition, if there was new composition ; is not that so ? I supposed they kept the type standing.

Q. What made you think so ? A. Because it was so many pages ; I allowed just the same for 150 extra copies that the claimant does.

Q. Explain what you understand about the difference between his bill, as Mr. Parsons rendered it, and your estimate ; what is the principle of the difference ? A. It is the difference between the composition and stereotyping ; Mr. Parsons charged for stereotyping.

Q. You, in your estimate, do not allow for new composition ? A. No, sir ; The difference between my counting of the ems, and Mr. Parsons, is about \$25.

John D. Parsons recalled, by counsel for claimant and further testified :

Q. Was this stereotyped ? A. Yes, sir ; it was stereotyped when the fifty copies were printed ; the fifty copies were all that was ordered.

By the COUNSEL FOR THE STATE :

Q. Supposing there had been no subsequent order, you would not have charged any thing extra for stereotyping ? A. Yes, sir ; we would.

Q. You stereotyped this work on the same supposition as you stereotype every thing else, that some day there will be a demand for more ; is not that the theory ? A. No, sir ; not the theory on which we stereotyped these documents. We only had fifty copies printed for the use of the committee ; we could not keep the type standing.

Q. You stereotype, so that, in case there is an order for more, you will have the type up and ready ? A. They wanted us to hold the type ; they said they didn't know how many copies they wanted ; we understood they would want more copies.

Franklin Chase, recalled by counsel for claimant :

Q. In view of the information that has been procured by the explanation preceding, do you say that the charge as expressed was reasonable ; the difference in the charge is simply per thousand ems ; we have charged for stereotyping, \$1, and your estimate is seventy-five cents without allowing any thing for stereotyping ? A. Yes, sir.

Q. Assuming that it was stereotyped, was \$1 too much ? A. No, sir, but their charge is too high.

Q. You don't mean too high on the item that was stereotyped ? A. The difference between my estimate and theirs is \$246 ; it should not be but \$120, allowing twenty-five cents for composition.

JOHN D. PARSONS (to the counsel for the claimant) :

My estimate of the number of ems is correct.

The COMPTROLLER (to Franklin Chase) :

Q. Your testimony is, that on the explanation of Mr. Parsons, giv-

ing his reason for stereotyping, and allowing for that, you would say that the bill is about \$100 too much? A. Yes, sir.

Q. What items do you make too high? A. I don't know how Parsons figured his estimate.

The COUNSEL FOR THE STATE (to John D. Parsons):

Q. How much do you charge per thousand ems? A. One dollar for the composition and stereotyping; there were 476,528 ems.

Franklin Chase, resuming:

Allowing for the extra on the number of ems, and the difference between composition and stereotyping, I still make a difference of \$91.

By the COUNSEL FOR THE CLAIMANT:

Q. In regard to number 7, Exhibit "G," when did you make the estimate upon that? A. I think it was last Friday.

Q. Had you made an estimate prior? A. No, sir; Mr. Bronk made the original estimate.

Q. Had there been an estimate made upon that by Mr. Bronk as appears by the bill? A. No, sir; not upon this bill, Exhibit "G."

Q. (Showing red ink memorandum.) I did not see that; there was a clerical error of \$10.

Q. From the evidence which that bears, it had been examined by your predecessor? A. Yes, sir.

Q. And no deductions had been made excepting \$10, on that examination? A. Yes, sir, that is so.

Q. And you make a deduction of \$382.30, as the difference between \$3,665.21, and your estimate of \$3,282.91? A. Yes, sir.

Q. What did you make those reductions for; on what items? A. Difference in the cost of paper; my estimate being \$92.34 in one item, and \$35.10 in another.

Q. The difference between the bill and yourself is mainly in the cost of paper? A. Yes, sir; that is an item that you cannot always get just right, because the cost varies twenty-five to thirty per cent.

Q. It is a matter you are liable to differ upon, as the cost of paper varies? A. Yes, sir; you cannot estimate it exactly; I should say perhaps that my deduction was a little too much after talking with Mr. Parsons about the weight of the paper; there is one item of \$59 difference in the cost of time; he has allowed seventy cents, and I have charged sixty cents an hour; the item is "cutting and placing corrections in the stereotype plates."

Q. You say the difference in the cost of paper, from the statement that Mr. Parsons made, you think you deducted too much? A. Yes, sir.

Q. How do you want to correct that deduction; how do you think it ought to be corrected? A. My deductions on account of paper are \$306, and I think \$206 would be about fair from Mr. Parsons' statement.

Q. In regard to the quantity of time and charges therefor; would

you make a difference whether the men worked nights or not—extra work? A. Yes, sir; it should be a little higher for night work.

Q. How do you place your estimate, for the ordinary work or night work? A. I called what day work he hired at a liberal price, as I thought.

Q. Suppose it was proved before you that it was night work on these items in the bill, would that vary your estimate? A. I would be willing to allow seventy cents for night work.

Q. How would that make the difference? A. It would be the same as they allowed.

COUNSEL FOR THE CLAIMANT (to John D. Parsons):

Q. How was the fact, Mr. Parsons, about working on these two items; the printing and furnishing materials for the select committee of the Senate to revise the Statutes and to revise the Codes? A. We did a great deal of night work; we worked all night, some nights, on the work.

By the COMPTROLLER:

Q. What was the necessity of the night work? A. It had to be hurried through on account of the demand of the Legislature.

By the SECRETARY OF STATE:

Q. Could not that work have been done in the day time, and finished up in time for the Legislature? A. No, sir; it could not.

By the COUNSEL FOR THE STATE:

Q. You have no means of knowing precisely the proportion of day, to night work? A. No, sir, I could not tell exactly; I know we worked on the Codes most every night.

Q. Did they work on the plates nights? A. Yes, sir, the stereotype plates, in correcting the matter; the composition was done, and the stereotyping afterward.

Q. The proof was revised after the plates had been made? A. Yes, sir.

By the COUNSEL FOR THE CLAIMANT:

Q. That printing was done in a remarkably short time? A. Yes, sir.

By the COUNSEL FOR THE STATE:

Q. What do you pay your workmen, who are engaged in this work of cutting and placing corrections in the plates? A. The stereotyper, we have been in the habit of paying from \$30 to \$35 per week, but in that class of corrections, we have to cut the type out which makes it more expensive; we have to perforate the plate and put in the type.

Q. You pay these workmen from \$30 to \$35 per week? A. Yes, sir; those men receive higher wages than ordinary printers; this item for cutting and placing corrections in the plates at seventy cents per hour; what do you pay that class of workmen that did that kind of work? A. They receive from \$25 to \$30 per week, if I understand it correctly; I would like to correct that; these men that did that work, with the exception of perhaps two men, who receive \$16 per week.

Q. The principal number of workmen get about \$16 per week for day work? A. Yes, sir.

Q. And for night work? A. My impression is, they get forty-five cents an hour up to a certain time, and then they get double after that.

Q. Ninety-cents an hour? A. Yes, sir.

Q. How many workmen? A. Every man in the office; it is double after a certain hour.

Q. After what hour in the night? A. Twelve o'clock.

Q. You done how much of that work after twelve o'clock? A. I could not say exactly, but I know for a number of nights, we had to work all night on these jobs.

Q. But the ordinary price of these workmen, that refers to working past twelve o'clock, with the exception of two, was \$16, for doing that work? A. Yes, sir.

THE COUNSEL FOR THE CLAIMANT (to Franklin Chase):

Q. (Showing Exhibit "K," item number 11, in relation to the Adirondack survey.) I understand you to estimate that \$16,606? A. Yes, sir.

Q. How much do you allow for engraving and lithographing? A. I allowed \$1,690 for engraving, and \$3,540 for printing.

Q. I am asking you for engraving? A. I allowed \$1,690; I do not give that as an expert, simply to the best of my judgment; I allow \$3,540 for lithographing.

Q. The principal difference, as I understand, between your estimate and the bill is in the engraving and lithographing? A. I should judge so, although I do not know what their estimates were.

COUNSEL FOR THE CLAIMANT (to John D. Parsons):

Q. (Showing Exhibit "K.") Look at that, and say how much you paid for engraving? A. I could not say how much we paid; I could say what the engraving is worth.

Q. How much is the engraving worth? A. The drawing, engraving and printing of these lithographs, as I figure, is worth \$13,336.75. That is simply the lithographing, work making the drawings, engraving, and cost of paper.

THE COUNSEL FOR THE CLAIMANT (to Franklin Chase):

Q. With that item, see how it corresponds with your estimate, with reference to the full amount charged in the bill? A. There is still a discrepancy of about \$1,319. The printing, lithographing and paper, I estimate at \$6,801.

Q. That would be the difference in the bill as claimed, and your estimate? A. Yes, sir; \$1,319.

Q. How many forms is there in the press work? A. I make sixteen forms.

The COUNSEL FOR THE CLAIMANT (to John D. Parsons):

Q. How many do you estimate? A. I make 67; there are eight pages in a form.

Mr. CHASE produced the book and further testified:

Q. How many pages are there? A. Five hundred and thirty-three pages. The former estimate was a mistake, and error in copying. My estimate for press work was about \$700, out of the way, too low. My first estimate, which was sixteen forms, should have been sixty-seven forms.

COUNSEL FOR THE CLAIMANT (to John D. Parsons):

Q. In relation to binding, explain that? A. To make room for the maps, we have had to put signatures in the books and after the books are done pull the signatures out; that took—I think there were nine signatures put in a book—that took 63,000 of the signatures, of eight pages each, in order to make room for the maps, which paper had to be thrown away; otherwise the book would flare open on the front, or would be very wide on the back and lap down on the front.

Q. What was the necessity of taking them out? A. We took them out for the purpose of making room for the maps.

Mr. CHASE—I allowed about twenty-five cents a copy on account of the extra work cutting out, to make room for the maps.

Q. Do you include that in the \$5,250 item? A. Yes, sir.

The COUNSEL FOR THE STATE (to John D. Parsons):

Q. Was the mapping done after the book was in shape: was it all ordered together? A. Yes, sir.

Q. What was the necessity of putting in paper that you had to take out? A. In order to make room for the maps.

Q. You make the estimate of the amount of paper to put in each place where there is a map, and cut that paper up for the proper size? A. Yes, sir.

Q. And then take that out? A. Yes, sir; and take it out to make room for the maps; the covers are put on before the maps are put in.

Q. Suppose you fill an order for an amount of composition pages and maps, is it necessary to put in paper, bind up the book, and take the paper out to put in the maps? A. Yes, sir.

Q. Is that the usual way? A. That is our way.

Q. It involves a great waste of paper? A. Yes, sir.

Mr. CHASE—I allow twenty-five cents a copy on the amount; I allow seventy-five cents for binding on account of the maps, and fifty cents would be a fair price.

By the COMPTROLLER :

Q. Did you make figures how much it would be per volume, based upon your estimate ? A. No, sir ; I could not say.

Q. What would your figures show each volume worth, as it is ? A. It would be \$2.26-70 or \$2.33.

Q. What is the difference between your estimate of lithographing and engraving, and the amount Mr. Parsons has estimated and testified to ? A. It is \$6,575, about.

Q. The difference between your estimate of the amount per volume, of \$2.33 and the charge in that bill, is in that engraving ? A. Yes, sir ; my figures are \$1,690 for engraving, and my estimate for incurring the expense of printing, lithographing and paper for the maps and plates is \$6,801.

COUNSEL FOR THE CLAIMANT (to Mr. Parsons) :

Q. Are you acquainted with this matter ? A. Yes, sir.

Q. Do you know what the cost of lithographing is ? A. Yes, sir.

Q. What is the amount that you make for the engraving and lithographing ? A. I made a mistake before ; it is \$14,336.75, as the cost of drawing, engraving, printing, and paper of the lithographs of the book.

The COMPTROLLER (to Mr. Chase) :

Q. You allow for that same work \$6,801 ? A. Yes, sir.

The COUNSEL FOR THE CLAIMANT (to Mr. Parsons) :

Q. Was it worth the amount you estimated ? A. I should consider it was.

Q. Do you know, to have a definite opinion about it ? A. Yes, sir, I should say it was worth that.

By the COUNSEL FOR THE STATE :

Q. What do you mean by its being worth that ? A. That is what we would charge for doing that work.

Q. How do you get at these figures, \$14,336.75 ? A. We charge for drawing, in all these pictures, maps, and engraving on stone, and the printing, and paper, and transfer.

Q. Where were these maps drawn ? A. We did them at our place of business.

Q. You had workmen employed there for that purpose ? A. Yes, sir.

Q. Have you got books of account, memoranda or data, that would enable you to tell how much it cost you to pay your workmen for doing that work, the mapping, and engraving of various kinds, and lithographing ? A. Yes, sir, we have our books that show what we pay our workmen.

Q. Can you tell what margin of profit you make at that rate, on the work, over and above what it cost you ? A. I suppose we could arrive at that definitely, yes, sir.

Q. You cannot state now? A. No, sir.

Q. Can you tell about what percentage of profit you make, without making calculations on that part of the work? A. No, sir, I could not.

Q. Can you give us information in the matter of detail, further than you have, as to how you get at the estimate? A. No, sir, I think I have stated it fully.

Q. How do you figure it? A. I figure the drawing, engraving, lithographing, printing and the paper.

Q. That each of those are worth so much? A. Yes, sir, on each particular map, and each one of the illustrations.

Q. Take one single map; how do you get at the amount that single map is worth? A. I take the cost of engraving and drawing, cost of the transfer, the printing and the paper.

Q. Can you give us that data? A. I cannot, because I put them all in a lump, after I figured them up; it makes an immense amount of figuring; I went over the whole of them and figured it up.

The COUNSEL FOR THE STATE (to Mr. Chase):

I don't claim my opinion is reliable on the cost of the engraving.

Q. Did you get up your estimate in detail? A. Yes, sir; I went through it and found the number of maps.

Q. Give your estimate in detail? A. For engraving plates \$1,690; that I don't claim is correct.

Q. How do you arrive at those figures? A. I took the book and estimated what I thought would be a fair price for each plate; some of them I estimated at \$10 each; some of the maps I estimated at \$150, and some at \$200. I have had no experience in drawing, but I judge that the artist ought to draw them for the amount I estimate.

The COUNSEL FOR THE STATE (to Mr. Parsons):

Q. (Showing plate number 5, in the book.) How much is it worth to get up a plate of that kind, to do the engraving? A. That is one of the small plates and least expensive; I should think it was worth to engrave it on stone \$25 or \$30; I could tell exactly; we have a regular rate of figures upon such work.

By the COUNSEL FOR THE CLAIMANT:

Q. And that is a rate established by experience in the work? A. Yes, sir.

Q. You say you figured according to your established rates; that is the way you made your figures? A. Yes, sir.

Q. Did you figure minutely and detail as to each one of the plates of the lithographs in the book? A. Yes, sir; they were all figured separately.

Q. And the amount you have figured here as \$14,336.75, was the result of that figuring? A. Yes, sir.

Q. The counsel for the State asked you how much, in this figuring, there was for profit? A. Yes, sir.

Q. You stated you did not know; did you figure any thing for profit? A. We calculated there would be a profit on our usual rates.

Q. Do you know how much profit there would be on the usual rates? A. I could not answer that.

Q. About what percentage? A. I don't think this work would average over twenty per cent profit on the lithographing work; that would be my impression.

Q. When you answered the counsel for the State in regard to plate number 5, you stated to him that you could ascertain directly and positively? A. Yes, sir.

Q. What did you mean by that; how can you tell correctly? A. I would have to consult with the engraver who did the work; that is what I meant.

Q. In reckoning from these established rates, they are rates which you have established from experience with the engravers? A. Yes, sir.

Q. What is your engraver's name that engraved these plates? A. We have several men who do that kind of work; our foreman's name is Tully.

Q. Have you knowledge enough on the matter of engraving, to know how long it would take a man to engrave plate number 5? A. No, sir; I would not want to state how long.

Q. That is one of the least expensive in the whole book, I should judge? A. Yes, sir.

Q. Engraving plate number 15; it cost a good deal more to get up that than number 5? A. Yes, sir; I should say so.

Q. What would you call the expense of number 15 in the book? A. I could not say exactly what it would cost, without consulting our usual custom, and by consulting our engravers; I would not like to guess at that; we have to consult our engravers in relation to that work; we hire engravers by the week.

COUNSEL FOR THE CLAIMANT (to Mr. Chase):

Q. In number 22, for printing 12,000 copies of the Report of the State Assessors; you figured that at about \$1,000? A. Yes, sir.

Q. That is \$200 more than the amount charged? A. Yes, sir.

The counsel for the State introduced in evidence joint-rule No. 13 of the Legislature, which reads as follows:

"Rule 13. Neither House shall order the printing or purchase of books for the use of the members or for distribution, except by joint resolution, upon which the yeas and noes shall be called, and which must receive the votes of a majority of each House; and no printing shall be done by order of either House, which is not embraced in the contract for doing the public printing. Whenever either House shall order more than the usual number of any message or document, the fact shall be communicated immediately by message to the other. Whenever extra copies of any document or publication of any kind shall be ordered printed, the printer shall be authorized and required to deliver to the trustees of the State Library at least five copies in addition to the number so ordered, for the use of the said Library. And whenever more than 500 copies are so ordered, the printer shall in like manner furnish

five additional copies for each 500 for the purpose of literary exchanges."

Adjourned to meet on Thursday, June 24, inst., at 3:30 P. M.

OFFICE OF THE SECRETARY OF STATE, }
ALBANY, June 24, 1880. }

Board met pursuant to adjournment.

Weed, Parsons & Co.

agst.

The State of New York.

Samuel Knickerbocker, sworn and testified as follows :

I am engaged with Weed, Parsons & Co. in this city ; have been for a great number of years ; I have certain specific work in their establishment.

Q. What is that work ? A. The superintending of the lithograph department ; I have charge of that department, and general supervision of it in their establishment.

Q. Are you acquainted with the book which was published by them called Colvin's Adirondack Survey ? A. Yes, sir.

Q. Do you know of the lithographs that are contained in that book ? A. Yes, sir, they all passed under my supervision.

Q. Have you made an estimate of the value of the work of lithographing contained in that book ? A. I have sir.

Q. What is the value of doing that work ? A. I think it foots up \$14,888.50.

Q. Have you gone through carefully and by detail ? A. I think so, every plate and every map, all through.

Cross-examination :

Q. Have you the figures of your estimate with you ? A. Mr. Parsons has it. (The witness produced the paper containing the figures, drawn up with a pencil.)

Q. Are you a practical lithographer ? A. I am not.

Q. How long have you been engaged in this business — in the lithographing department ? A. Nearly twenty years ; I have been with Weed, Parsons & Co. some seventeen years.

Q. During the time you have been with them, have you had charge of that department ? A. Yes, sir, and have made all of the charges for the work ; I don't know about Mr. Parsons, or any other member of the firm dictating to me about the work.

Q. What experience did you have in that line before you engaged with Weed, Parsons & Co. ? A. I had been in the business of litho-

graphing some two or three years; my son owned a lithographing establishment, which he sold to Weed, Parsons & Co.; I was with my son.

Q. Did you have the supervision of the work, when with your son? A. Mainly so; when I first went there he begun to make his arrangements to go to Chicago; he sold to Weed, Parsons & Co., and shortly afterward when I got his business closed up, I went to Weed, Parsons & Co. and took charge of the business there.

Q. Did you make personal inspection of the work itself? A. The work all passed under my supervision; I saw it done.

Q. You personally inspected the actual work done, or did you take reports from the practical man, and then make the charges from those reports? A. I am in the department where the work is executed; of course I have to depend in some respects upon Mr. Tolle, and depend upon his judgment in certain things.

Q. How do you make up your estimates? A. There is an item of drawing and engraving; Mr. Tolle has to make the drawings sometimes from photographs, and sometimes from pencil sketch.

Q. In the beginning of the work Mr. Tolle is furnished with a sketch by Colvin? A. Yes, sir, something to work upon.

Q. And he takes that sketch and gets up the plate? A. Yes, sir, and prepares a drawing.

Q. And from that drawing he prepares the plate? A. Yes, sir; then proving, preparing and transfer, and printing all follows.

Q. When he has got through with the plate, then what is done? A. Then it goes through the department to prove.

Q. What do you mean by proving? A. To take a proof; here are eight printings in that plate, and three others of the same nature; they have to go through to see that the colors fit each other.

Q. For every color there is a separate stone? A. Yes, sir, and it has to be prepared, and go all through those stones to know that they all harmonize, and to know that the effect is right; take one plate and print that color and take another and print that, and so on until there is eight impressions; that is the proving; then they are arranged for printing; they are transferred upon stone of suitable size, and have to be printed again.

Q. That first item includes the making of several plates, eight of them? A. It takes eight parts of that one, to make one plate.

Q. How do you get at the \$140? A. The time and labor there is in doing it.

Q. You have counted all the labor of the workmen in doing that work? A. Yes, sir; what is paid to the workmen, and then add some percentage of profit to make the \$140. The charge to the customer includes the expense and profit.

Q. What percentage of profit do you put into your estimate? A. There is a systematic scale with lithographers according to the size of the work; the larger it is the more expensive it is.

Q. Does the number of copies to be printed have any thing to do with the amount of percentage you put in? A. For a small number of copies the expense is just as much in preparing the stone as it is on a large number. It would make the expense per hundred larger on a smaller quantity.

Q. On the item which includes \$140 for drawing and engraving, can you tell what percentage of profit you added? A. I could not. There is nothing in shape of percentage that we have as a system.

Q. Can you separate the items? A. No, sir; I am dependent upon Mr. Tolle to give the expense, etc. There is so much detail to get at the actual cost, as we are in the habit of charging for labor; I consider the figures given in the statement a fair compensation for the labor and materials used; I give my judgment about it.

Q. There are two things that enter into that charge, one is the cost to Weed, Parsons & Co., and the other is the profits. How do you get at the precise figures of \$140 in the first branch of the item, and \$343, in the second item? A. We have a scale or system of charging for our work, and it is in accordance with that.

Q. Cannot you tell how you have made those figures? A. I have made figures for smaller work at higher prices than those.

Q. Can you tell upon what basis you fix those figures? A. I cannot, farther than I used my judgment as I went along, what I thought the work was worth.

Q. Don't you take account of the time the workmen are employed, and the cost of material? A. I have the cost of material, such as paper, but the exact time I have not estimated; I estimate what I think the work is worth.

Q. If you have not got a knowledge of these various elements that enter into the calculation, is it not a guess? A. You may call it that.

Q. Can you take any other of the items and separate the cost, or the value of the work to Weed Parsons & Co., and then give the amount of profit that is added? A. No, sir, I cannot do it; as I said before there is so much detail and expense of the work that there is no account kept of, and in view of that fact, a man has got to use his judgment without trying to keep the exact cost; that, I am unable to tell, by giving the exact estimate. I have never made an estimate by separating the distinct items.

August Tolle sworn, and testified as follows:

I am a lithographer; I am engaged with Weed, Parsons & Co.; I have been so, since they had that branch of the business.

Q. Are you acquainted with the work of producing lithographs? A. Yes, sir, entirely so in its details.

Q. You are a practical lithographer? A. I consider myself so.

Q. You are employed for that express purpose by Weed, Parsons & Co.? A. Yes, sir.

Q. Are you acquainted with the book called the Adirondack survey? A. Yes, sir.

Q. You know of the lithographs that is contained in that book? A. Yes, sir.

Q. You was engaged yourself upon much of it? A. I worked over a year upon it.

Q. Do you know the value of such work? A. To a certain extent.

Q. Have you been engaged all your life in that kind of business? A. Since I was a boy of sixteen years; about twenty-two years.

Q. Have you looked over, with reference to estimating the value of

the lithographing contained in that book? A. I have looked over with Knickerbocker, who had charge of it.

Q. What do you say as to the amount of the value of the lithographs contained in that book? A. I don't know any thing about the paper; but with the rest of the work, printing and lithographing—I think that work put upon those plates, the amount stated by Knickerbocker was a good, fair price, with the exception of the paper, which I have no knowledge of.

Cross-examined:

Q. You say you have been with Weed, Parsons & Co. since they had charge of the lithographing business? A. Yes, sir.

Q. How long ago is that? A. About sixteen or seventeen years.

Q. Did you make the plate No. 1? A. I made the drawings; I didn't do all of the engraving, but I done part of it.

Q. Who did the actual work on the engraving of that plate? A. Some of our other men.

Q. Do you know any thing about how much time it ought to take for getting up the plate; the drawing and engraving of the plate? A. I could tell what it ought to be, but in making that plate there is so much time spent in drawing and redrawing, that it is difficult to tell the exact time.

Q. Did the workmen who did that work report their time? A. I always kept their time.

Q. What did you keep their time in? A. I kept slips of paper, and generally for large work I kept a memorandum book; I kept it on loose pieces of paper.

Q. What do you do with them up to the time the charge is made? A. I keep them in my drawer with a rubber around them, until Mr. Knickerbocker comes and wants to know what the plates cost; then I report to him the time that has been spent, and what cost it is to procure the plate, and then what ought to be charged to the customer that has his work done.

Q. After having used that set of papers the report to Knickerbocker, he makes the charges in the book against the customer? A. Yes, sir.

Q. What do you do with the slips then? A. Generally throw them away; they are not kept.

Q. During the time this work has been going on what wages have Weed, Parsons & Co. paid you? A. They have paid \$30 a week and other workmen from \$20 to \$25; artists are sometimes employed which we have to pay more.

Q. Were artists employed in this work, that were paid more? A. Yes, sir; and then we have over work, or night work, and then Weed, Parsons & Co. have to pay extra. For over work we charge one price and a half; engravers work eight hours, and the printers work ten hours, and after that the time is extra work and price.

Q. Have you looked this estimate all through? A. Yes, sir.

Q. And examined all the items? A. Yes, sir.

Q. Are those items all reasonable and fair charges in your opinion? A. I don't see any thing out of the way.

Q. Can you tell any thing about the proportion, in this estimate that is made, for profit? A. No, sir; I could not.

Q. Take the first item of plate 1; you kept the time of the workmen in a written memorandum, or slips of paper? A. Yes, sir.

Q. And when Knickerbocker was ready to make the charges against the State, you reported to him the amount of work that had been done, and also what he should charge? A. Yes, sir.

Q. Can you give the Board any idea of how much, what proportion of this gross charge in that item was profit, and how much was expense? A. I could not exactly.

Q. What is your opinion? A. There are four plates, and in each of them there is a different amount of work; we done a good deal of the work which was done; there is a profit included of course; if there was a profit I could not say how much; the four plates are similar work; they have about the same work; I could not say on which of the four plates was the most alteration or trouble.

Q. And you would take the memorandum that related to the four plates, and report them together? A. Yes, sir; and I would report that they should charge so much for each.

Q. In charging for the four, you intend to give a reasonable price? A. Yes, sir; we give a price which we consider a good price for the four plates; there might be a profit of twenty per cent on one plate, and on another a greater or less profit, but I could not say.

Q. Take the four plates and consider them one job, and average the profit; about what proportion or profit do you calculate to put in? A. I could not say; I could not tell about the percentage or profit.

Re-direct :

Q. The cost of this work has not been uniform? A. No, sir.

Q. You estimate the cost with Knickerbocker, and then do you add twenty per cent? A. No, sir; we estimate it at about such a price as we consider fair.

Q. There is no system? A. No, sir; there is no system of charges in lithographing.

By the COUNSEL FOR THE STATE:

Q. Can you estimate the amount of percentage; was it as much as ten per cent? A. I should consider that ten per cent would not do that work.

Q. Suppose it cost Weed, Parsons & Co. \$100; what would you put on for profits, ten per cent? A. I guess there was more than ten per cent, and less than seventy-five per cent.

Q. Was there more than twenty per cent, \$20 on a hundred; suppose the labor and material cost Weed, Parsons & Co. \$100, would \$20 added for the profit be too much? A. I could not say.

Q. Would it be fair and reasonable? A. The charges are reasonable for the work that was done.

Q. What do you call a fair price? A. What the work cost.

Q. Suppose the actual cost of a piece of work was \$500, what would be a fair charge for that? A. I have heard Fred. Myers say, to come out reasonable in the lithographing business, that he ought to have from sixty to eighty per cent.

Q. Did Fred. Myers send out a schedule of prices for lithographing? A. He did, fourteen or fifteen years ago, and that price list is adhered to for printing lithographs by responsible lithographers.

The counsel for the claimant moved to amend the statement of the claimant, heretofore filed, by adding thereto the following items.

Motion granted, and claimant's statement ordered so amended:

Item for composition and printing 800 copies testimony taken by a special committee appointed to investigate the Dannemora & Plattsburgh railroad; 164 pages printed pursuant to a resolution of the Assembly, passed May 5, 1880, \$410.

Bill, resolution of the Assembly, and certificate of the Clerk of the Assembly were received in evidence and marked Exhibit "X." Hereto annexed.

Item for composition and printing 900 copies, minutes of the Binghamton asylum investigation, 148 pages. Printed pursuant to a resolution of the Senate passed May 7th, 1880, \$384.

Bill, resolution of the Senate and certificate of the Clerk of the Senate were received in evidence and marked exhibit "Y." Hereto annexed.

Evidence closed and case submitted for decision.

EXHIBIT "A."

STATE OF NEW YORK, }
IN SENATE, ALBANY, *January, 27, 1880.* }

Resolved, That the Clerk of the Senate be and he is hereby authorized to procure one copy of Webster's Dictionary, two copies of the Bankers' Code of the State of New York, and two copies of the Compendium of the Insurance Laws of the State, to be placed and kept in the Senate library for the use of the Senate.

STATEMENT OF ACCOUNT.

Clerk of the Senate, to Weed, Parsons & Co., Dr.:

1880.		
January 29.	2 copies of Bankers' Code.....	\$5 00
	2 copies of Insurance Laws.....	4 00
February 3.	1 copy of Webster's Dictionary.....	16 00
		\$25 00

Correct:

JOHN W. VROOMAN,
Clerk of the Senate.

EXHIBIT "B."

STATEMENT.

Assembly Committee on Privileges and Elections, to Weed, Parsons & Co. Dr.:

1879.

March 18. Printing three hundred copies testimony in the matter of the contest, George F. Carman contesting the seat of Charles T. Duryea, 52 pages	\$66 17
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\$66 17

Correct :

CHARLES S. BAKER,

Chairman of Committee on Privileges and Elections of 1879.

IN ASSEMBLY, FRIDAY, January 17, 1879.

The following resolution was offered by Mr. Baker, and determined in the affirmative.

Resolved, That the committee on privileges and elections, to which was referred the petition of George F. Carman claiming the seat now held by Hon. Charles T. Duryea, have power to send for persons and papers, and that they be authorized to hold meetings for the purpose of taking evidence thereon, in such place in the State as they shall deem necessary, and that they be authorized to employ a stenographer, and have the evidence printed daily as the case progresses.

EXHIBIT "C."

STATE OF NEW YORK, }

IN ASSEMBLY, ALBANY, April 29, 1879. }

Resolved, That the Clerk of the Assembly procure from the publishers for the use of each member of this House, twenty-five copies of the proceedings of the Legislature of the State of New York, in commemoration of its removal from the old to the new Capitol, February 12, 1879, the cost of the same not to exceed the rates paid for the first edition printed.

By order of Assembly.

EDW'D M. JOHNSON, *Clerk.*

STATEMENT.

Assembly, State of New York, to Weed, Parsons & Co., Dr.:

1879.

May 13. Printing 3,200 copies of the proceedings of the Legislature of the State of New York, in commemoration of its removal from the old to the new Capitol, pursuant to resolution of the Assembly, passed April 29, 1879, at \$116.46 per 1,000	\$372 67
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Correct:

EDW'D M. JOHNSON,

Clerk of the Assembly, 1879.

EXHIBIT "D."

STATE OF NEW YORK,
IN ASSEMBLY, ALBANY, May 19, 1879. }

Resolved, That seventeen thousand copies of the report this day made by the special committee on State Normal Schools be printed under the direction of the Clerk of the Assembly, to be distributed as follows, viz.:

Fifteen hundred copies to the Board of Regents; five copies to each member and reporter of the present Legislature; five copies to each member of the last Legislature, not now a member; one copy to each member of the next Legislature, and five copies to each State officer. The remainder to be distributed to normal school faculties and local boards, to school commissioners, city superintendents and boards of education of the several cities and villages of the State, and to others, under the direction of the Superintendent of Public Instruction, at a cost not to exceed \$800.

By order of the Assembly,
EDW'D M. JOHNSON, *Clerk*.

STATEMENT.

Assembly, State of New York, to Weed, Parsons & Co., Dr.:

1879.

June 13. To printing 17,000 copies, report of the special committee of the Assembly, on the State Normal Schools, pursuant to resolution of Assembly, passed May 19, 1879	800 00
Doing up and shipping the above.....	35 00
	\$835 00

Correct:

EDW'D M. JOHNSON,
Clerk of the Assembly.

EXHIBIT "E."

STATEMENT.

Committee on General Laws of the Assembly, to Weed, Parsons & Co., Dr.:

1879.

May 29. To Printing 200 letter circulars, relative to committee in relation to poor-houses....	\$4 75
Printing 200 letter circulars, relative to committee in relation to poor-houses.....	4 75
June 3. To one copy Legislative Manual, 1879.....	1 00
One copy Clerk's Manual.....	50
One bottle Ink.....	1 00
Carried forward.....	\$12 00

1879.	Brought forward.....	\$12 00
June 3.	To one ream legal cap paper	6 50
	one copy Civil List	3 00
June 12.	five hundred large Assembly lithograph envelopes.....	5 00
July 5.	one Legislative Manual.....	1 00
July 15.	printing 100 cap blanks—questions and answers	3 50
	printing fifty cap blanks—questions and answers	3 00
	printing 100 one-half letter circulars....	2 00
	printing fifty, one-half letter circulars..	1 75
	100xx1080 six and one-quarter Gov. envelopes and printing.....	1 00
July 31.	printing 175 copies, resolution and notice to attend meetings.....	5 00
1880.		
Feb. 3.	printing 500 copies, bill relating to the poor, forty-four pages, small pica, 120, 120 ems,	76 90
		\$120 65

Correct:

HIRAM GRIGGS,

*Chairman of the Committee on General Laws, 1879.*IN ASSEMBLY, *March 26, 1880.*

Mr. Husted offered the following resolution, which was determined in the affirmative:

Resolved, That the committee on general laws be instructed and required fully to investigate the subjects involved in the Code of Poor Laws, and to submit to this Legislature during its present session, or to the next Legislature during the first week of its session, a bill designed to remedy the evils, so onerous to the people, growing out of the existing poor laws and their administration.

EXHIBIT "F."

STATEMENT.

Assembly Committee on Privileges and Elections, to Weed, Parsons & Co., Dr.:

1880.		
March 9.	Printing fifty copies testimony in contested seat case, <i>Hynes v. Liddell</i> , 316 pages.....	\$632 00
	Printing 150 extra copies contested seat case, <i>Hynes v. Liddell</i>	68 00
		\$700 00

Correct:

D. W. TRAVIS, *Chairman.*

EXHIBIT "H."

STATEMENT.

*Senate Special Committee to revise the Statutes, to Weed, Parsons & Co.,
Dr.:*

1879.		
April	9. Expressage	\$1 00
	21. do	25
	25. One copy bill, Civil Code and binding.....	98 50
	Expressage.....	25
	28. Civil Code of New York:	
	Composition, 350 pages pica, 1770 ems each, 619,500 ems, at seventy-five cents.....	464 63
	Composition, thirteen pages small pica, 1805 ems each, 23,465 ems, at seventy-five cents.....	17 60
	Composition, fifty-three pages brevier, 3,268 ems each, 173,204 ems, at seventy- five cents.....	129 90
	Paper for 300 ¹ copies, 416 pages, fifty-two sigs. of eight pages, at \$1.40 per sig.	72 80
	Press work on 300 copies, fifty-two sigs. of eight pages, at \$1.00 per sig.....	52 00
	Folding 312 medium quires, at six cents..	18 72
	Binding 300 copies, full cloth, at 40 cents..	120 00
	29. Expressage	25
	30. do	25
May	2. do	25
	3. do	25
	5. do	25
	6. One copy Session Laws 1874.....	5 00
	7. Expressage.....	40
	22. Ninety copies Civil Code delivered on order of committee.....	90 00
	9. Penal Code:	
	Printing engrossed bill.....	60 00
	Composition 192 pages, 384,000 ems, at 75 cts.....	288 00
	Paper for 500 copies 24 sig's of 8 pages, at \$2.10 per sig.....	50 40
	Press work on 500 copies 24 sig's of 8 pages, at \$1 per sig.....	24 00
	Folding 126 quires, at 6 cts.....	7 56
	Binding 500 copies in full cloth, at 40 cts..	200 00
	One hundred and eighty-five hours' changes in proof, etc., at 70 cts ...	129 50
	Code of Criminal Procedure:	
	Printing engrossed bills and binding.....	69 00
	Composition 282 pages, 564,000 ems, at 75 cts.....	423 00

May 9. Code of Civil Procedure:

Paper for 500 copies, 282 pages, 35½ sig's of 8 pages, 186 quires, at 40 cts.	\$74 40
Press work on 35 1-2 sig's of 8 pages, at \$1 per sig.	35 50
Folding 186 quires, at 6 cts.	11 16
Binding 500 copies in full cloth, at 40 cts.	200 00
Changes 245 hours over, at 70 cts.	171 50

Reprints.

Reprinting 6 sig's Penal Code Bill.	9 00
do 34 do Criminal Code Bill.	51 00
do 3 do Penal Code Pamphlet.	4 50
do 11 do Crim'l Code Pamphlet.	16 50
Binding 100 copies Penal and Criminal Codes in one volume.	40 00
Printing 500 Reports of Committee to Penal Code, and 500 Reports to Criminal Code and attaching to books.	10 00
Printing 200 circulars to Code Committee.	5 25

\$2,952 57

The printing of the Civil Code, Penal Code and Code of Criminal Procedure, as revised for the last Legislature, was done by Messrs. Weed, Parsons & Co., at my request, and although I have no personal knowledge of the details of the foregoing bills, I believe them to be correct.

(Signed)

DAVID DUDLEY FIELD.

NEW YORK, *June 9*, 1879.

I believe this bill to be correct.

SAMUEL S. EDICK,

June 12, 1879.*Chairman Special Committee.*

IN SENATE,
May 15, 1878. }

Mr. Edick offered the following resolution, which was determined in the affirmative:

Resolved —

FIRST -- That a committee of the Senate, consisting of three senators, be appointed by the President of the Senate to sit during the recess to examine and review the Code of Civil Procedure, and also all bills submitted at this session by the Commissioners to revise the statutes, and to report the result to the Senate at the next session of the Legislature.

SECOND -- That the said committee be at liberty, if they think proper, to report a bill either amending the Code of Civil Procedure, or consisting of a new Code of Civil Procedure, or the Code of Procedure of 1849, as amended; also one or more bills embodying, with such alterations and amendments as they think proper, the additional

bills submitted by the said commissioners at the session, and repealing so much of the present statutes of the State as are obsolete or superseded thereby; and such temporary or supplemental bills as may be necessary or proper, and any other bills which they may deem expedient, having for their object the revision, consolidation and simplification of the statutes.

THIRD — That each bill so reported be reported in print, and a copy thereof be furnished to each member of the Senate, and thereupon that the said bill be placed upon the calendar of general orders in the Senate in like manner and with like effect as if reported favorably by a standing committee, and be acted upon without being again reported.

FOURTH — That for the purpose of carrying this resolution into effect the said committee be authorized to employ such counsel to aid them and such assistants and clerks as they deem proper, and to incur such reasonable expenses as they think proper for traveling, office rent, books, postage, stationery and other incidental matters; but the whole expense thereof shall not exceed \$15,000.

EXHIBIT "I."

STATEMENT.

Regency of University to Weed, Parsons & Co., Dr.:

1879.		
Feb. 17.	To printing 1,000 copies, pages 117 to 258, 17½ sigs. of eight pages, changing folios, etc.	\$136 00
Mar. 18.	To engraving one plate plants so-called for thirtieth report	47 50
	To lettering same, 1,800 copies	38 50
1880.		
Feb. 20.	To changes in MSS, and explanations of plates after composition, 160 leaves	80 00
	To lettering plates 35 and 36, double plates, and plate 37, single	90 00
	To printing (litho.) plates 35 and 36, double, and 37, single	231 00
		\$623 00

The work and materials specified in the above bill have been done and delivered under my direction, and were necessary for the completion of several reports upon the State Museum of Natural History.

(Signed) JAMES HALL,
Director of the State Museum of Nat. History.

Certified correct, \$623.

(Signed) DAVID MURRAY, *Secretary.*
March 19, 1880.

The following appears in chapter 252 of the Laws of 1878, applicable to the item hereto, and payable from the general fund:

For printing and binding in paper covers, eighteen hundred copies

each of the twenty-seventh, twenty-eighth, twenty-ninth and thirtieth reports of the State Museum of Natural History, to be paid on the certificate of the Secretary of the Regents of the University, \$3,822.50.

EXHIBIT "J."

STATE OF NEW YORK,
IN SENATE, ALBANY, May 8, 1879. }

Resolved (if the Assembly concur), that the Clerks of the Senate and Assembly furnish each member of the Legislature with ten copies each of the Civil List for 1879, and each officer and reporter of the Legislature with one copy thereof; the same to be delivered on or before the first day of July, 1879. The expense not to exceed two dollars per copy.

By order,
JOHN W. VROOMAN, *Clerk*.

IN ASSEMBLY, May 19, 1879.

Passed with following amendment, strike out "ten," and insert "five."

By order,
EDW. M. JOHNSON, *Clerk*.

IN SENATE, May 19, 1879.

Amendments concurred in.

By order,
JOHN W. VROOMAN, *Clerk*.

STATEMENT.

Legislature of the State of New York, to Weed, Parsons & Co., Dr.:
1880.

May 7.	1,866 copies New York Civil List, furnished pursuant to concurrent resolution of the Legislature, passed May 8, 1879, at \$2.00 ..	\$3,732 00
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I certify that the above number of copies of the Civil List have been delivered to the Secretary of State, pursuant to the above recited resolution.

ANSON S. WOOD,
May 8, 1880. Deputy Secretary of State.

EXHIBIT "K."

STATEMENT AND RECEIPTS.

Legislature of the State of New York, to Weed, Parsons & Co., Dr.:
1880.

March 13.	7,000 copies Seventh Annual Report of the Adirondack survey, furnished pursuant to a concurrent resolution of the Legislature, passed April 17, 1879, at \$3.50	\$24,500 00
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Received from Weed, Parsons & Co., 1,000 volumes of the seventh report under the before mentioned resolution.

VERPLANCK COLVIN,
Superintendent Adirondack Survey.

ALBANY, May 13, 1880.

Received from Weed, Parsons & Co., 6,000 copies Colvin's survey of the Adirondacks, seventh report, under above resolution.

(Signed) ANSON S. WOOD,
Deputy Secretary of State.

SECRETARY OF STATE'S OFFICE, May 14, 1880.

CONCURRENT RESOLUTION.

STATE OF NEW YORK, }
IN SENATE, ALBANY, April 17, 1879. }

Resolved (If the Assembly concur) that there be printed and bound in cloth, under the direction of the Superintendent of the survey, fifteen copies of the Seventh Annual Report of the Adirondack Survey for the use of each Senator and member of the Assembly, and ten copies for each of the officers and reporters of the Legislature, and one thousand copies for the use of the Superintendent of the survey.

By order,

JOHN W. VROOMAN, *Clerk.*

IN ASSEMBLY, April 29, 1879.

Passed with the following amendments: Strike out "15" and insert "20;" line five of said resolution strike out "ten" and insert "five."

By order,

EDWARD M. JOHNSON, *Clerk.*

IN SENATE, April 30, 1879.

Amendments concurred in.

By order,

JOHN W. VROOMAN, *Clerk.*

ORDER.

STATE OF NEW YORK, }
OFFICE OF THE SECRETARY OF STATE, }
ALBANY, March 20, 1880. }

Messrs. WEED, PARSONS & Co., Albany, N. Y.:

You will deliver (6,000) six thousand copies of Colvin's Adirondack survey in addition to the (1,000) one thousand ordered for Mr. Colvin, that being the number, as near as I can ascertain, required to supply parties entitled to them under joint resolution of the Senate and Assembly.

Very respectfully,

(Signed)

ANSON S. WOOD,
Deputy Secretary of State.

Section 3 of chapter 370 of the Laws of 1878, entitled "An act limiting the time and expense of completing the Adirondack Survey," and applicable hereto, reads as follows :

Section 3. A full report on the progress of the survey shall be annually presented, printed, to the Legislature, within sixty days after the meeting thereof.

EXHIBIT "L."

STATEMENT.

Minority of the Special Committee on Railroads (Hon. T. F. Grady), to Weed, Parsons & Co., Dr. :

1880.

Feb. 17. To printing fifty copies Minority Report, one side of sheet, forty-eight pages, at \$1.60, \$76 80

Certified as correct in quantity and charges.

(Signed)

THOS. F. GRADY.

ALBANY, N. Y., *February 17, 1880.*

IN ASSEMBLY,
March 27, 1879. }

Mr. Hepburn offered the following resolution, which was decided in the affirmative :

Resolved, That the said committee (the special committee on railroads) be and it is hereby authorized to sit during the recess of the Legislature and take testimony in the city of New York, and elsewhere in the State, as they shall determine, and to cause their proceedings to be printed daily.

EXHIBIT "M."

STATEMENT.

Clerk of the Senate, to Weed, Parsons & Co., Dr. :

1880.

Jan. 5. To 17 set full-bound file boards, for State officers \$102 00

EXHIBIT "N."

CERTIFICATE OF DEPUTY COMPTROLLER.

STATE OF NEW YORK,
COMPTROLLER'S OFFICE,
ALBANY, March 16, 1880. }

WEED, PARSONS & Co., Albany, N. Y.:

GENTS — The balance due on your account for printing and binding reports of the State Museum of Natural History is \$128.10.

Respectfully yours.

(Signed)

HENRY GALLIEN,

Deputy Comptroller.

EXHIBIT "O."

STATE OF NEW YORK,
ASSEMBLY CHAMBER,
ALBANY, *March 4, 1880.* }

WHEREAS, The files of the Assembly bills have become unwieldly :
Resolved, That the Clerk of the Assembly is directed to procure an
other set of file boards for Assembly bills.

By order of Assembly,
E. M. JOHNSON, *Clerk.*

Clerk of Assembly, to Weed, Parsons & Co., Dr.:

1880.

March 12. 128 sets bill file boards half bound for members.	\$192
March 12. 24 sets bill file boards do for reporters.	36
March 12. 1 set bill file boards do for clerk....	1 50
	\$229 50

Correct: EDWARD M. JOHNSON,
Clerk of the Assembly.

EXHIBIT "P."

STATEMENT.

Senate Special Committee on Auburn Prison, to Weed, Parsons & Co., Dr.

1879.

April 28. Printing 200 copies testimony, etc., in relation to the removal of the agent and warden of Auburn Prison, ten signatures of eight pages, including folding, stitching, trimming, etc., eighty pages, at \$2.00 per page.....	\$160 00
Printing 200 copies report and argument of committee, to be attached to testimony, twelve pages.....	24 00
	\$184 00

Correct: THEO. M. POMEROY,
Chairman Special Committee on Auburn Prison.

Examined June 28, 1879 — B.

Memorandum.

Eighty-eight pages composition, 157,696 ems, at 75 cts....	\$118 27
Twenty-three quires, sixty pound paper, at 48 cts.....	11 04
Eleven signatures press work, at 40 cts.....	4 40
Twenty-three quires, folding, etc., at 7 cts.....	1 61
	\$135 32

Assembly Committee on Commerce and Navigation, to Weed, Parsons & Co., Dr.
1879.

April 28. Printing 200 copies testimony and proceedings in relation to the investigation of matters connected with the construction of the East River Bridge, 602 pages, including paper, folding, stitching, etc., at \$2.00 per page.....	\$1,204 00
Printing 200 copies exhibits, accompanying testimony relative to East River Bridge, 794 pages, including paper, folding, stitching, etc., at \$2.00 per page.....	1,588 00
Lithographing Exhibits "B" and "C," and printing 200 copies, each.....	34 60
Lithographing Exhibit No. 3, and printing 200 copies.....	12 80
Lithographing plates 1, 2, and 3, showing valuation of property in 1878, and printing 200 copies.....	18 60
	\$2,858 00

I certify the above bill to be correct.

CHARLES R. KNOWLES, *Chairman.*

Memorandum.

Examined June 28, 1879.

\$2,206.89.

B.

Total amount of bill as rendered.....	\$3,042 00
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Reductions.

By the Comptroller on amount charged to special committee on Auburn prison.....	\$48 68
By the Comptroller on amount charged to committee on commerce and navigation.....	651 11
Amount paid to Weed, Parsons & Co. by Comptroller, as appears by warrant No. 7,031, dated June 30, 1879, on file in Comptroller's office.....	2,342 21
	\$3,042 00

EXHIBIT "Q."

STATE OF NEW YORK, }
ASSEMBLY CHAMBER, ALBANY, Feb. 6, 1880. }

Resolved, That there be printed for the use of the Legislature, 20,000 copies of the report of the special committee on railroads, at a cost not to exceed thirteen hundred and forty-eight. (\$1348) dollars,

including paper covers, the same to be equitably distributed among the members of the Legislature for distribution among the people of the State.

By order of the Assembly,
EDWD. M. JOHNSON, *Clerk.*

STATEMENT OF ACCOUNT.

Legislature of the State of New York to Weed, Parsons & Co., Dr.
1880.

Feb. 27. To Printing 20,000 copies report of the special committee on railroads, as per concurrent resolution of the Assembly, dated Feb. 6, 1880, as follows: "Resolved, That there be printed for the use of the Legislature, 20,000 copies of the report of the special committee on railroads, at a cost not to exceed thirteen hundred and forty-eight (\$1348) dollars, including paper covers, the same to be equitably distributed among the members of the Legislature for distribution among the people of the State"..... \$1,348 00

Correct : EDWD. M. JOHNSON,
Clerk of the Assembly.

EXHIBIT " R. "

STATEMENT.

Judiciary Committee of the Senate to Weed, Parsons & Co., Dr.
1880.

Jan. 22. To printing and binding fifty copies chaps.
14 to 21..... \$50 00

Correct : W. H. ROBERTSON,
Chairman Judiciary Committee of the Senate.

EXHIBIT " T. "

STATEMENT AND CERTIFICATES.

Legislature of the State of New York to Weed, Parsons & Co. Dr.
1880.

April 22. To printing 12,000 copies Report of the State Assessors, and binding in paper covers, pursuant to a concurrent resolution of the Senate passed Feb. 12, 1880, \$800 00

I certify that the State Assessors have received of Messrs. Weed, Parsons & Co. the 2,000 copies of State Assessors' reports for 1879, ordered for them by the Legislature.

JAMES A. BRIGGS,
State Assessor.

ALBANY, April 23, 1880.

There has been delivered to the Secretary of State, 5,000 copies of the report of the State Assessors (bound in paper covers) for the year 1879, by Weed, Parsons & Co.

(Signed)

ANSON S. WOOD,
Dep. Secretary of State.

ALBANY, April 23, 1880.

I certify that 1,500 copies of the report of the State Assessors have been delivered to the Senate.

JOHN W. VROOMAN, *Clerk.*

I certify that 3,500 copies of the report of the State Assessors have been delivered to the Assembly.

EDW. M. JOHNSON, *Clerk.*

CONCURRENT RESOLUTION.

Resolved (if the Assembly concur), that 5,000 copies of the report of the State Assessors be printed and delivered to the Secretary of State, for distribution to the assessors and supervisors for each town and city in the State; also 5,000 copies be printed, to be delivered to the Legislature for the use of its members; and 2,000 copies be printed for the use of the State Assessors, and delivered to them. All of the said copies to be put up in paper covers, the price of the same not to exceed the contract price for extra copies.

By order,

JOHN W. VROOMAN, *Clerk.*

IN ASSEMBLY, }
Feb. 27, 1880. }

Passed with following amendment: Strike out all after word "exceed" in twelfth line of resolution, and insert in lieu thereof "the sum of \$800."

By order,

E. M. JOHNSON, *Clerk.*

IN SENATE, }
March 1, 1880. }

Amendment concurred in.

By order,

JOHN W. VROOMAN, *Clerk.*

EXHIBIT "V."

STATE OF NEW YORK,
ASSEMBLY CHAMBER, ALBANY, April 30, 1880. }

Resolved, That 750 extra copies of the report of the committee on affairs of cities, upon street cleaning, be printed with paper covers under the direction of the Clerk of the Assembly, at the price specified in the contract for extra copies, such copies to be distributed *pro rata* among the members of Assembly.

By order,
E. M. JOHNSON, *Clerk*.

STATEMENT.

Assembly, State of New York, to Weed, Parsons & Co., Dr.

1880.

April 21. To printing 750 extra copies Assembly Document No. 112, pursuant to Assembly resolution passed April 30, 1880.....	\$30 60
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STATE OF NEW YORK,
ASSEMBLY CHAMBER. }

Received from Weed, Parsons & Co., through J. M. Varnum, 750 copies of the report of Assembly committee on cities upon street cleaning in the city of New York, printed as extra copies by resolution of the Assembly.

J. G. BLAMPIED,
Assistant Postmaster, Assembly.

May 6, 1880.

EXHIBIT "X."

STATEMENT.

Clerk of the Assembly, to Weed, Parsons & Co., Dr.

1880.

May 20. To composition and printing 800 copies testimony taken by special committee appointed to investigate the Dannemora & Plattsburgh railroad, 164 pages, printed pursuant to a resolution of the Assembly passed May 5, 1880.....	\$410 00
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Correct :
Memorandum.

EDW'D M. JOHNSON,
Clerk of Assembly, 1880.

Approved at \$372.50.

F. N. O.

ASSEMBLY RESOLUTION.

STATE OF NEW YORK,
ASSEMBLY CHAMBER, ALBANY, May 5, 1880. }

WHEREAS, The testimony taken upon the investigation relative to the leasing the Dannemora Railroad was submitted to this House, with the report of the committee appointed to make such investigation, on the 2d day of April last, and then ordered printed; and

WHEREAS, said testimony has been transmitted to the printer, but has not been printed, nor has the printing thereof been commenced by said printer; therefore

Resolved, That the Clerk of this House be required to have said testimony printed and placed on the files of the Assembly within ten days.

By order,
EDWD. M. JOHNSON, *Clerk*.

EXHIBIT "Y."

STATEMENT.

Clerk of the Senate to Weed, Parsons & Co., Dr.

1880.

May 20.	To Composition and printing 900 copies Minutes of the Binghamton Insane Asylum Investigation, 148 pages, printed pursuant to a resolution of the Senate, passed May 7, 1880.	\$384 00
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I certify that the Senate has received 900 copies of Minutes of the Binghamton Insane Asylum Investigation.

Dated May 24, 1880.

JOHN W. VROOMAN,
Clerk of the Senate.

Memorandum.

Approved at \$346.50.

P. N. O.

RESOLUTION.

STATE OF NEW YORK,
IN SENATE, ALBANY, May 7, 1880. }

On motion of Mr. Pitts,

Resolved, That the Clerk be and hereby is directed to have the evidence taken before the committee appointed to investigate the charges against the Trustees of the Binghamton Asylum printed forthwith.

By order,
JOHN W. VROOMAN, *Clerk*.

STATE'S EXHIBIT No. 1.

PROPOSALS FOR LEGISLATIVE PRINTING.

Pursuant to the provisions of an act entitled "An act to provide for the public printing," passed March 5, 1846, and an act entitled "An act concerning the Laws, Journals and Documents of the Legislature," passed May 12, 1847, the undersigned hereby give notice that they will receive sealed proposals until Friday, the 12th day of December, at ten o'clock in the forenoon of that day, for executing the printing for the Senate and Assembly, during the term of two years, or so much of the said printing for two years as is not covered and provided for by an existing contract, and to include, also, any and all printing required to be done during the continuance of the contract in pursuance hereof, in compliance with chapter 437, Laws of 1859; it being further expressly understood, that no extra printing, in addition to what is known as the regular or "usual number" of copies as herein provided for, shall be done under any resolution of one house of the Legislature; but the same must, in all cases, be ordered and done pursuant to an act or joint rule or concurrent resolution of both houses of the Legislature.

For Senate and Assembly Journals, the proposals shall state the price per page, for composition, press-work, and paper, for eight hundred copies, including pressing, folding, gathering, collating, stitching and trimming; and also the price per page, for press-work and for paper, for each additional one hundred copies, whenever required by the Legislature, including pressing, folding, etc., as aforesaid; which price for additional copies must in no case include any additional charge for composition.

For the Senate and Assembly documents, the proposals shall state the price per page, for composition, press-work and paper, for eight hundred copies, including pressing, folding, gathering, collating, and trimming and stitching, and also the price per page, for press-work, and for paper, for each additional one hundred copies (including pressing, folding, etc., as aforesaid) ordered by the Legislature at any time during its session, by act or joint rule or concurrent resolution, which price for additional copies must, in no case, include any additional charge for composition.

Each page of documents or journals must be set in small pica type, the pages to be of same size and to contain the same number of lines as the Senate journal of 1877, and not to be leaded; but should it be necessary to set up any part thereof in smaller type, the same must not be leaded, and the size of the page must be the same, and no additional price per page will be paid for the same.

The proposals shall also state the price per page for rule work, or rule and figure work, for eight hundred copies when it is necessary to set up any matter in tabular form. The price per page for one hundred copies, for additional copies of documents or journals, when ordered, to be the same as for extra documents in plain composition.

The paper to be used for the legislative documents and journals must be of the same size and weight, and the quality must be equal to the best used in printing the Senate documents of 1877.

The proposals shall also state the price per copy, for printing and

putting on covers, upon all extra documents, when ordered by the Legislature; also the price per copy, for binding in cloth, or full cloth gilt, or half binding, irrespective of size, including lettering, in either case, all extra or additional documents ordered to be bound by the Legislature; also the price per page, per 100 copies, for extra supersized and calendered or tinted paper, 24x38 inches, weighing not less than sixty pounds to the ream, when such paper is directed to be used by the Legislature upon legislative documents.

For engraving on stone, steel or wood, and printing maps, plans and illustrations for the legislative documents, the price to be paid, including cutting, folding and pasting the same, shall in no case exceed the lowest rates current in Albany and New York city, at the time said work may be done.

For the Senate and Assembly bills, the proposals shall state the price per page, for composition, press-work and paper, including pressing, folding, trimming, and stitching for 639 copies, ordered by either house of the Legislature, and also the price per page, for press-work and for paper for each one hundred additional copies that may be required, at any time during the sessions of the Legislature, including pressing, folding, etc., as aforesaid; which price for additional copies must, in no case, include any additional charge for composition.

The paper therefor to be of same weight and size, and of quality equal to that used for the Senate and Assembly bills, of 1877, and the work in all respects, as to type and otherwise, to be executed in the same manner as in the year 1877, the lines in each section of the bills to be numbered, and with sufficient space between the same for interlining words.

The price "per page" for all work herein embraced shall in every case be understood to cover composition of every kind, press-work and paper, including folding, gathering, collating, stitching and trimming, whether the same be upon the journals, documents or bills of the Legislature to be printed in pursuance hereof.

It being also understood, that no extra pay will be claimed or allowed for any corrections or alterations in proof-sheets, nor will any additional pay be allowed in any case for composition, when extra copies are ordered in addition to what is known as the "usual number" of copies.

It is hereby expressly understood, that all printing necessary to be done, during the session of the Legislature, shall be promptly executed, and should the Legislature, at any time, require any part of the work to be performed in extra haste, the work thus required to be done shall be without extra charge therefor; also, that all extra documents of the Legislature, for members, officers and reporters of the Legislature, or State officers, not delivered during the session of the Legislature, shall be printed and delivered to the Secretary of State, properly bound (when directed to be bound by the Legislature); and the journals, bills and documents required to be bound by the State binder, to be delivered to such binder, within a period of not exceeding eight months from the adjournment of the Legislature, except as to reports printed pursuant to chapter 437, Laws of 1859. The proposals for all work, to include cartage, delivery and hoisting of books, at the State bindery or at the office of the Secretary of State, or at such other place

or places in the city of Albany as the Secretary of State or Legislature may direct.

Bids will also be received to do all the printing required by this advertisement for an aggregate or lump price.

In case the undersigned shall be of the opinion that the proposals made in pursuance hereof are, in consequence of any combination or other cause, excessive or disadvantageous to the State, they may decline any or all of the said proposals, and advertise anew for the work embraced therein.

No contract made in pursuance hereof, or any interest in the same, shall be assignable to any person or persons, without the written consent of the Secretary of State and Comptroller.

To every proposal or bid for the performance of the work herein above specified (and but one proposal or bid will be received, directly or indirectly, from any one person, firm or party in interest for the performance of the same work), there must be annexed a guarantee, subscribed by a guarantor of sufficient ability, that the person or persons making such bid will, if the same be accepted, enter into a contract according to the terms thereof, and give the security required by law in such case, within forty-eight hours from the time he or they shall receive notice of the acceptance of his or their bid; and to every such guarantee there must be annexed a certificate of the Secretary of State, Comptroller, Attorney-General, Treasurer, State Engineer and Surveyor, or of the judge of the county where the guarantor resides, that the guarantor is a man of property and able to make good his guarantee.

And the right to abrogate or annul any contract made in pursuance hereof, for failure or non-performance (as to manner or time of execution and of delivery), is hereby expressly reserved to the Secretary of State and Comptroller.

Each proposition must be sealed up with the guarantee, and directed on the outside "Proposals for Legislative Printing," and when thus sealed up and directed, the proposition should be inclosed in a separate envelope, and directed to the undersigned, or either of them.

Dated ALBANY, N. Y., Nov. 15, 1879.

ALLEN C. BEACH, *Secretary of State.*

FREDERIC P. OLCOTT, *Comptroller.*

BIDS.

ALBANY, Nov. 28th, 1879.

Hon. ALLEN C. BEACH, *Sec. of State* and Hon. F. P. OLCOTT, *Comptroller*:

GENTLEMEN — We propose to do the legislative printing, etc., for which proposals were issued Nov. 15, 1879, and are hereto attached, for the following prices, viz.:

Journals — For the Senate and Assembly, 806 copies, to include composition, paper, press-work, pressing, folding, gathering, collating, stitching and trimming, per page, \$1.00; and for each additional 100 copies, for press-work, paper, pressing, folding, etc., as aforesaid, per page, one cent.

Documents — For the Senate and Assembly, 806 copies, including composition, paper, press-work, pressing, folding, gathering, collating, stitching and trimming, per page, \$1.00; and for each additional 100 copies, for press-work, paper, pressing, folding, etc., as aforesaid, per page, six cents.

Rule, or rule and figure work — 806 copies, when necessary to set any matter in tabular form, per page, \$1.10; and for each additional 100 copies, per page, the same as for extra documents per page, for plain composition.

Binding — In printed paper covers, per copy..... \$ ½
cloth, or full cloth gilt, per copy..... 18
half binding per copy..... 02

Extra paper — Super-sized and calendered, 24x38 inches, 60 lbs. to the ream, when so ordered by the Legislature, for each one hundred copies, per page, two cents.

Engraving — On stone, steel or wood, and printing maps, plans and illustrations, and cutting, folding and pasting the same in legislative documents, 20 per cent below current rates in the cities of Albany and New York at the time the work may be done.

Bills — For the Senate and Assembly, 639 copies, ordered by either house, to include composition, paper, press-work, pressing, folding, gathering, collating, stitching and trimming, per page, \$1; and for each additional 100 copies, including all charges, as aforesaid, per page, six cents.

Lump bid — In answer to the paragraph in proposals reading "Bids will also be received for doing all the printing required by this advertisement for an aggregate or lump price," we propose to do all such printing for which bids are requested in the said advertisement, charging therefor at the rates heretofore specified for said printing, and agree that the aggregate or lump price so charged shall not exceed the sum of \$39,990 for the term of two years — 1880 and 1881.

Yours, respectfully,

WEED, PARSONS & CO.

CONTRACT.

This agreement, made this twenty-ninth day of December, in the year of our Lord one thousand eight hundred and seventy-nine, between the People of the State of New York, by Allen C. Beach, Secretary of State, and Frederic P. Olcott, Comptroller of said State, acting under and by virtue of an act of the Legislature of said State, entitled "An act to provide for the public printing," passed March 5th, 1846, and "An act concerning the laws, journals and documents of the Legislature," passed May 12th, 1847, parties of the first part, and Thurlow Weed Barnes, John D. Parsons, George Dawson, and Philip Ten Eyck, comprising the firm of Weed, Parsons & Co., parties of the second part, witnesseth: That the said Secretary of State and Comptroller having, in accordance with the provisions of the act above referred to, given and caused to be duly published a notice that they, the said Secretary of State and Comptroller, would receive proposals for the printing provided and specified in said acts, and also in chapter 437 of the Laws of 1859, and the said parties of the second

part, having, in accordance with the provisions of the first above-mentioned acts and the terms of said notice, made and delivered to said Secretary of State and Comptroller, bids and proposals in writing to do and perform certain portions of public printing specified in said acts and known as legislative printing, and which notice of said Secretary of State and Comptroller, dated November 15, 1879, and said bids and proposals in writing of said parties of the second part in answer thereto are hereto annexed, and which it is agreed, form part of this agreement, so far as the same are consistent with the terms and pertinent to the subject-matter thereof, and the said legislative printing for the term of two years from the twenty-ninth day of December, one thousand eight hundred and seventy-nine, having been duly awarded by said Secretary of State and Comptroller to the said parties of the second part, in accordance with the provisions of said acts, and the terms and specifications of said notice, bids and proposals annexed hereto, and the several covenants and agreements herein contained under the limitations aforesaid, the parties of the second part hereby covenant, promise and agree with the said party of the first part (the People of the State of New York), that the said parties of the second part will at some suitable and convenient place in the city of Albany, N.Y., execute, perform and do with accuracy and dispatch, all the printing, illustrating, binding and lettering of all kinds and descriptions except the binding of the bills, journals and documents, which is covered by the usual contract for binding, provided for or is intended to be provided for as above and before referred to, or as may be hereinafter mentioned and set forth.

The said party of the first part (the People of the State of New York) agrees to pay as the consideration or price, for the work so to be done and performed, and materials furnished by the said parties of the second part, as follows:

For eight hundred and six copies of Senate and Assembly journals, including composition, paper, press-work, pressing, folding, gathering, collating, stitching and trimming, per page, one dollar, and for each additional one hundred copies, including composition, paper, press-work, pressing, folding, gathering, collating, stitching and trimming, per page, one cent.

For eight hundred and six copies of the Senate and Assembly documents, including composition, paper, press-work, pressing, folding, gathering, collating, stitching and trimming, per page, one dollar, and for each additional one hundred copies, including composition, paper, press-work, pressing, folding, gathering, collating, stitching and trimming as aforesaid, per page, six cents.

For rule, or rule and figure work—(Eight hundred and six copies). When necessary to set any matter in tabular form, per page, one dollar and ten cents, and for each additional one hundred copies, per page, six cents, said prices to include all paper, press-work, pressing, folding, gathering, collating, stitching and trimming.

For binding—In printed paper covers, per copy, one-half cent. In cloth, or full cloth gilt, fifteen cents per copy. In half binding, per copy, two cents.

For extra paper—Supersized and calendered 24x38 inches, sixty pounds to the ream, when so ordered by the Legislature, for each one hundred copies, per page, two cents.

For engraving—On stone, steel or wood, and printing maps, plans and illustrations, and cutting, folding and pasting the same in legislative documents, twenty per cent below the current rates in the cities of Albany and New York at the time the work may be done.

For bills for the Senate and Assembly—Six hundred and thirty-nine copies, ordered by either the Senate or Assembly, to include composition, paper, press-work, pressing, folding, gathering, collating, stitching and trimming, per page, one dollar, and for each additional one hundred copies, including composition, paper, press-work, pressing, folding, gathering, stitching and trimming, per page, six cents.

And it is agreed that each page of documents or journals shall be set in long primer type, and that the paper shall be of the same size and contain the same number of lines as the Senate documents and journals of 1877; and it is further understood and agreed that the paper to be used for the legislative documents and journals shall be of the same size and weight, and equal in quality to the best used in printing the Senate documents of 1877.

It is understood and agreed that the paper for the Senate and Assembly bills shall be of the same weight and size, and of quality equal to that used for the Senate and Assembly bills of 1877, and that the work in all respects, as to type or otherwise, shall be executed in the same manner as that year, the lines in each section of the bills to be numbered and with sufficient space between them for interlineation.

It is hereby expressly understood, and the said parties of the second part hereby agree to and with the party of the first part (The People of the State of New York), to execute for the said term of two years, from December 29th, 1879, all and singular the bills, journals and documents of the Senate and Assembly for the sessions of the Legislature of 1880 and 1881, furnishing the usual number and all such extra copies as may from time to time be ordered by law, joint rule or concurrent resolution for the use of the Legislature, or any of the State officers or State institutions, or State departments now existing, whether ordered in the usual way, or to be done under the direction of any official, or any committee of the Legislature, be the same more or less, including the binding in paper or cloth, or in half binding, of such documents as it is usual to have bound, and including all the mapping, engraving, and fine paper required, and rule or rule and figure work, and covering every charge for the completion and delivery of the work in the city of Albany, N. Y., for the prices above specified, but not to exceed in the aggregate the sum of thirty-nine thousand nine hundred and ninety dollars, for the term of two years from the 29th day of December, 1879, and that no extra pay will be claimed or allowed for any corrections or alterations in proof; nor will extra pay be allowed on any description of composition; nor shall the whole sum claimed or allowed and paid for the printing work done and performed, and materials as in this agreement required to be done, performed and furnished by the said parties of the second part, exceed the said sum of thirty-nine thousand nine hundred and ninety dollars for the said term of two years from the 29th day of December, 1879.

For the printing, services and materials above specified, to be executed, rendered and furnished by said parties of the second part, it is

agreed hereby that said parties of the second part shall be paid monthly at the prices and rates herein set forth and stipulated, it being expressly understood, however, that the said sum paid shall in no event exceed the proportionate amount of said aggregate sum of thirty-nine thousand nine hundred and ninety dollars herein referred to, reserving always fifteen per cent of the amount due until the completion of all the work to be done and materials furnished by the said parties of the second part under this agreement.

And it is further expressly understood and agreed that the price for all printing done, and all materials furnished as embraced herein, shall not exceed in the aggregate the said sum of thirty-nine thousand nine hundred and ninety dollars for the whole term of two years, and it is expressly understood to cover every thing to be done or furnished in or about the same, whether such work shall be upon the journals, documents, bills of the Legislature, or any other printing ordered by the Legislature, as hereinbefore expressed, during the continuance hereof.

It is hereby further expressly understood and agreed, that all printing necessary to be done during the sessions of the Legislature shall be promptly executed, and should the Legislature at any time require any part of the work to be performed in extra haste, the work thus required shall be so done without extra charge therefor; and that the usual number of documents for the Senate and Assembly, and all extra documents of the Legislature for members, officers and reporters of the Legislature, or State officers, not delivered during the session of the Legislature, shall be printed and delivered to the Secretary of State properly bound, when ordered by the Legislature to be bound; and in laying out the journals and documents for binding, they shall be so arranged that each volume shall contain not less than one thousand pages, unless with the written assent of the Secretary of State and Comptroller, and the journals, bills and documents required to be bound by the State binder shall be delivered to such binder within a period not exceeding eight months from the adjournment of the Legislature, except as to reports printed pursuant to chapter 437, Laws of 1859.

It is further agreed that this agreement shall not be assigned to any person or persons without the written consent of the Secretary of State and Comptroller, or their successors in office.

And it is expressly understood and agreed that the Secretary of State and Comptroller, or their successors in office, shall be at liberty at any time to revoke, abrogate, and annul this contract for failure or non-performance as to any of its provisions on the part of the parties of the second part.

It is further expressly understood and agreed that the terms of this contract shall include the delivery of all matter at such place or places in the city of Albany, N. Y., as the Legislature, or parties having charge of the work, may direct; and that in no case shall there be any extra charge or allowance for or on account of any thing to be done, furnished or performed under this agreement, but that the whole printing and other work in this agreement to be done and performed, and all the materials to be furnished by the said parties of the second part for the whole term of two years, shall not exceed the said sum of thirty-nine thousand nine hundred and ninety dollars.

In witness whereof, the respective parties to these presents have hereunto set their hands the day and year first above written.

ALLEN C. BEACH,

Secretary of State.

F. P. OLCOTT,

Comptroller.

GEO. DAWSON, [L. S.]

JOHN D. PARSONS, [L. S.]

PH. TEN EYCK, [L. S.]

WEED, PARSONS & CO. [L. S.]

STATE OF NEW YORK, } ss. :
Albany County,

On this 29th day of December, A. D. 1879, before me personally came Philip Ten Eyck, to me known to be one of the individuals described in, and who executed the foregoing instrument, and acknowledged that he executed the same.

WM. H. TERRELL,

Notary Public, Albany County.

STATE OF NEW YORK, } ss. :
Albany County,

On this 31st day of December, A. D. 1879, before me personally came George Dawson and John D. Parsons, to me known to be two of the parties who executed the foregoing instrument, and severally acknowledged that they executed the same; and the said John D. Parsons, who signed the firm name of Weed, Parsons & Co., acknowledged the execution of the aforesaid instrument as the act and deed of said firm, and that he had full right to sign said firm name of Weed, Parsons & Co., and to bind the said firm thereby.

WM. H. TERRELL,

Notary Public, Albany County.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, June 29, 1880:

PRESENT — Joseph B. Carr, Secretary of State; James W. Wadsworth, Comptroller; Nathan D. Wendell, Treasurer.

No. 198.

In the Matter of the claim of Weed,
Parsons & Co.

agst.

The State of New York.

On motion, ordered that item No. 2, Exhibit "B," for printing, by order of the committee, 300 copies of testimony in the matter

of the contested seat of George F. Carman against Charles T. Duryea be allowed at the sum of sixty-six dollars and seventeen cents (\$66.17).

On motion, ordered that item No. 3, Exhibit "C," for printing and binding 3,200 copies of the proceedings of the Legislature of the State of New York in commemoration of its removal from the old to the new Capitol, be allowed at the sum of three hundred and seventy-two dollars and sixty-seven cents (\$372.67).

On motion, ordered that item No. 4, Exhibit "D," for printing 17,000 copies of the report of the special committee of the Assembly on the State Normal Schools, furnished pursuant to resolution of the Assembly, passed May 19, 1879, and for packing and shipping the same, be allowed at the sum of seven hundred and seventy six dollars and twenty-five cents (\$776.25).

On motion, ordered that item No. 6, Exhibit "F," for printing, by order of the committee, testimony in the matter of the contested seat of Liddle v. Hynes, in the Assembly of 1880, be allowed at the sum of six hundred and nine dollars (\$609).

On motion, ordered that item No. 10, Exhibit "J," for furnishing 1,866 copies of the New York Civil List, pursuant to concurrent resolution of the Legislature, passed May 8, 1879, be allowed at the sum of three thousand seven hundred and thirty-two dollars (\$3,732).

On motion, ordered that item No. 15, Exhibit "O," for furnishing 153 sets of Senate and Assembly file boards for bills for the Clerk of the Assembly, pursuant to the resolution of the Assembly, passed March 4, 1880, be allowed at the sum of two hundred and twenty-nine dollars and fifty cents (\$229.50).

On motion, ordered that so much of item No. 16, Exhibit "P," as relates to the charge of \$651.09, for balance of account for printing for Assembly committee on commerce and navigation, be disallowed.

On motion, ordered that item No. 25, Exhibit "V," for printing 750 extra copies of Assembly document No. 112, pursuant to Assembly resolutions, passed April 30, 1880, be allowed at the sum of thirty dollars and sixty cents (\$30.60).

SPECIAL MEETING,
WEDNESDAY, July 7th, 1880. {

All of the members present.

On motion, ordered that item No. 1, Exhibit "A," for furnishing two copies of the Bankers' Code, two copies of the Insurance Laws of the State of New York, and one copy of Webster's Dictionary, furnished the Clerk of the Senate, pursuant to resolution of the Senate, passed January 27, 1880, be allowed at the sum of twenty-five dollars (\$25).

On motion, ordered that item No. 5, Exhibit "E," for printing, by order of the committee, binding and furnishing materials for committee of general laws of the Assembly for 1879, charged at \$120.65, be disallowed.

On motion, ordered that item No. 12, Exhibit "L," for printing fifty
[Assem. Doc. No. 8.]

copies of the minority report of the special committee on railroads be allowed at the sum of seventy-six dollars and eighty cents (\$76.80).

On motion, ordered that item No. 13, Exhibit "M," for furnishing seventeen sets, full bound, of file boards for Senate and Assembly bills, journals and documents for the use of the State officers, be allowed at the sum of eighty-nine dollars and twenty-five cents (\$89.25).

On motion, ordered that item No. 17, Exhibit "Q," for printing and binding 20,000 copies of the report of the special committee on railroads of 1879, furnished pursuant to resolution of the Assembly passed February 6, 1880, be allowed at the sum of one thousand three hundred and forty-eight dollars (\$1,348).

On motion, ordered that item No. 18, Exhibit "R," for printing and binding fifty copies of chapters 14 to 21, inclusive, of the revision of the statutes, for the use of the judiciary committee of the Senate of 1880, be allowed at the sum of fifty dollars (\$50).

On motion, ordered that item No. 22, Exhibit "T," for printing 12,000 copies of the report of the State Assessors, pursuant to concurrent resolution of the Legislature passed February 12, 1880, be allowed at the sum of eight hundred dollars (\$800).

On motion, ordered that item No. 27, Exhibit "X," for composition and printing 800 copies testimony taken by a special committee appointed to investigate the Dannemora & Plattsburgh railroad, 164 pages, printed pursuant to a resolution of the Assembly passed May 5, 1880, be allowed at the sum of three hundred and seventy-two dollars and fifty cents (\$372.50).

On motion, ordered that item No. 28, Exhibit "Y," for composition and printing 900 copies minutes of the Binghamton Insane Asylum Investigation, 148 pages, printed pursuant to a resolution of the Senate passed May 7, 1880, be allowed at the sum of three hundred and forty-six dollars and fifty cents (\$346.50).

ADJOURNED MEETING, }
THURSDAY, August 12th, 1880. }

All of the members present.

On motion, ordered that item No. 7, Exhibit "G," "for balance of account, duly certified, for printing and furnishing materials for the select committee of the Senate, of 1878 and 1879, to revise the statutes, \$665.21," be disallowed, "for the reason that the expense covered by this balance was incurred by the committee in excess of the appropriation for the work, and in violation of the statutory prohibition in chapter 192, Laws of 1876. But we think the work was done in good faith by the claimants, and that the charges therefor are reasonable."

On motion, ordered that item No. 8, Exhibit "H," "for printing, by order of committee, for the special committee of the Senate of 1879, to revise Civil, Penal and Criminal Codes, to be paid on the certificate of the chairman of the committee, \$2,952.57," be disallowed, for the same reason assigned for disallowing item No. 7, Exhibit "G."

On motion, ordered that item No. 9, Exhibit "I," "for printing and lithographing reports of the State Cabinet of Natural History, in 1879 and 1880, to be paid on the certificate of the Secretary of the Board of Regents of the University, \$623," be disallowed, for the same reason assigned for disallowing No. 7, Exhibit "G."

On motion, ordered that item No. 14, Exhibit "N," "for balance of account for printing and lithographing reports of State Cabinet of Natural History, as per bill on file in Comptroller's office, \$128.10," be disallowed, for the same reason assigned for disallowing item No. 7, Exhibit "G."

SPECIAL MEETING,
WEDNESDAY, August 25, 1880. }

All of the members present.

On motion ordered that item No. 11, Exhibit "K," "for 7,000 copies of the Seventh Annual Report of the Adirondack Survey, furnished pursuant to concurrent resolution of the Legislature, passed April 17, 1879, to be paid on the certificate of the Secretary of State, be allowed at the sum of seventeen thousand five hundred dollars (\$17,500.)"

	Exhi't and num- ber.	Amo'ts allowed.	Reduc- tions.	Disal- lowed.	Items with- drawn.
Bankers' Code, etc.....	A 1	\$25 00			
Contested seat proceedings.....	B 2	66 17			
Removal, new Capitol.....	C 3	372 67			
Normal schools.....	D 4	776 26	\$58 75		
Committee on general laws.....	E 5			\$120 65	
Contested seat, L. v. H.....	F 6	609 00	91 00		
Throop's Code.....	G 7			635 21	
Revise Codes.....	H 8			2,952 57	
State Cabinet Natural History.....	I 9			623 00	
Civil List (1879).....	J 10	3,732 00			
7,000 of report Adirondack Survey.....	K 11	17,500 00	7,000 00		
Minority Report R. R.....	L 12	78 80			
File boards (Assy.).....	M 13	89 25	12 75		
State Cabinet Natural History.....	N 14			128 10	
153 sets file boards.....	O 15	229 50			
Committee on commerce and navigation.....	P 16			651 09	\$121 74
20,000 R. R. report.....	Q 17	1,848 00			
Fifty copies of Revised Statutes.....	R 18	50 00			
Report of Regents of University.....	19				500 00
Report of Regents of University.....	20				700 00
Printing for State Museum Natural History.....	S 21				500 00
12,000 copies of report of State Assessors.....	T 22	800 00			
Catskill Mountains Survey report.....	23				2,000 00
6,000 copies of report Adirondack Survey.....	U 24				15,000 00
Assembly document.....	V 25	80 60			
Civil List (1880).....	W 26				
Report of Dannemora R. R. investigation.....	X 27	373 50	37 50		
Investigation Binghamton Insane asylum.....	Y 28	346 50	37 50		
		26,424 24	\$7,337 50	\$5,140 62	\$16,821 74
Reductions.....				7,237 50	
Total disallowed.....				12,378 12	
Amount withdrawn.....		\$16,821 74	Amount cont'd in sworn petition.....		\$56,799 50
Amount allowed.....		26,424 24	Amount subsequently added.....		624 60
Amount reduced and disallowed.....		12,378 12			
		\$57,824 10			\$57,824 10

No. 15.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, on Wednesday, April 14, 1880:

PRESENT — Joseph B. Carr, Secretary of State; James W. Wadsworth, Comptroller; Nathan D. Wendell, Treasurer — members of the Board.

No. 191.

In the Matter of the claim of N. Lapham and David H. Parsons <i>agst.</i> The State of New York.

Claim for damages for alleged breach of contract on part of State in the delivery and cleaning of sand ore for use of forge at Clinton State prison; amount claimed, \$4,766.89.

CLAIMANT'S STATEMENT.

To the Honorable the State Board of Audit, and the Hon. the Secretary of State, and Comptroller and State Treasurer of the State of New York:

The petition and application of N. Lapham, of Peru, and David H. Parsons, of Saranac, both of the county of Clinton, respectfully sheweth that your petitioners on or about the 25th day of October, A. D. 1875, entered into an agreement with Hon. M. K. Platt, one of the board of inspectors of State prisons and Gen. Stephen Moffit, then acting agent and warden of Clinton State prison, which agreement was made and entered into by and between said parties at room of said General Moffit at the Cumberland House in the village of Plattsburgh, whereby said Platt and Moffit, as aforesaid, agreed to purchase of said Lapham and said Parsons 2,000 gross tons, of 2,240 lbs. each, of sand ore for the use of the forge at Clinton State prison, said ore to be delivered at or near the forge in the prison yard, and said ore to be paid for monthly at three and seventy-five-hundredths dollars per gross ton, said Lapham and Parsons agreeing to clean what ore they could and that was practical during the winter from the sand ore waste as it runs from the yard; the said Platt and Moffit agreeing to have the conductors that conveyed the said ore waste from the separator well covered and protected from the frost during the winter, and to allow said Lapham and Parsons to use all their waste steam or hot water, if needed, in the washing or cleaning of said ore waste, and the State not to allow any other party or parties to interfere with your petitioners in using or taking said sand waste as it came from the yard or separator, and your petitioners agreeing to deliver the balance of the 2,000 tons not delivered during the winter of 1875 and 1876 or cold weather, monthly, all of said 2,000 tons, to be delivered during or within one year. Said price of \$3.75 consisted of \$3.50 per ton and twenty-five cents for delivery of said ore at said forge as above.

Said agreement between the parties above named was entered into in the presence of Hon. F. W. Tobey.

That under and by virtue of the said agreement your petitioners

erected a separator building upon the stream running from said separator, and put in machinery and made large expenditures of money preparatory for the performance on their part of said contract, and engaged and used experts in the performance of said ore cleaning, and cleaned and delivered a portion of the ore so contracted, and received pay for the ore so delivered, from said General S. Moffit, then agent and warden as aforesaid.

That soon after Inspector Platt died, he was succeeded by B. Clark, inspector, and E. S. Winslow of Plattsburgh was made agent and warden of Clinton prison, who not only declined and refused to receive the ore prepared for delivery, but abrogated the conditions of the agreement entirely, and put in ties for saving of the sand ore waste with convict labor, to the great damage of your petitioner.

And further, that your petitioners made necessary arrangement and incurred large expense preparatory for the performance on their part of the contract in providing for sand ore waste on the flat southerly of the prison, from which deposit a large proportion of the ore contracted was to be taken, and that said contract was made in good faith on his part, and that by reason of the violation of its provisions on the part of the State or its officers and agents, your petitioners have been greatly damaged and have suffered large pecuniary loss, and that your petitioners are justly entitled to be paid and remunerated thereby the sum of four thousand seven hundred and sixty-six dollars and eighty-nine cents (\$4,756.89), and wherefor your petitioners claim and demand that we be paid in full the just sum of \$4,766.89 by the State of New York, and no other claim hereof has been presented to any branch or officer of the State government.

N. LAPHAM.

Subscribed and sworn to before me, }
this 13th day of March, 1880. }

WM. H. TERRELL, *Notary Public, Albany Co.*

To the Hon. The State Board of Audit :

Please take notice of the foregoing particulars of the claim of Lapham and Parsons, and that they will rely on the hearing thereof upon their testimony.

Sworn affidavits—See Voucher No. 1.

Letter of Judge Graves—See Voucher No. 2.

Witnesses whose names and post-office address will be filed with this claim ten days previous to the meeting of your honorable Board.

Respectfully, etc.,

N. LAPHAM.

OFFICE OF THE SECRETARY OF STATE, }
ALBANY, N. Y., April 14, 1880. }

In the Matter of the claim of N. Lapham
and David H. Parsons
agst.
The State of New York.

Wm. B. Ruggles, First Deputy Attorney-General, Counsel for the State; N. Lapham, Counsel for the Claimants.

TESTIMONY.

David H. Parsons, sworn in his own behalf, testified:

Q. Did you and myself make a contract with General Moffit as agent and warden in 1875? A. Yes, sir; made a contract on the 25th of October, 1875.

Q. Where was that executed? A. The contract was entered into at the Cumberland House in the village of Plattsburgh; it was a verbal contract.

Q. Who was present? A. Mr. Platt, inspector; General Moffit, then agent and warden; Senator Tobey, Mr. Lapham and myself.

Q. Had there been a negotiation pending between the inspectors, yourself and Mr. Lapham in reference to the contract? A. There had with Mr. Lapham I should judge, in July and August; there had been several interviews in regard to saving the ores, denominated sand ore; we had delivered them 100 tons of Tromblee ore; that ore they bought of us and paid for it at \$7 a gross ton.

Q. What was the result of the working of that Tromblee ore? A. I saw a part of the ore working — was there, and witnessed the ore working. It worked very satisfactory. The work was increased, and the quality of the iron was improved.

Q. State the increase? A. As near as I recollect it was twenty to twenty-five per cent of increase of weight of work made.

Q. State the negotiations in regard to the contract? A. Soon after that, we met the inspectors at Dannemora, and had an interview with them in reference to supplying further quantities of sand ore that run from the prison separator, and had accumulated on the flat below, about a mile below; during that interview they passed a resolution referring the matter to Mr. Platt.

The counsel for the State objected to the offer to prove the transaction by parol; that the original record kept by the board of Inspectors is the best evidence, and should be produced.

The claimants offered to read and to prove the signature of a letter written by Judge Graves, in answer to one written by the claimant, Mr. Lapham, inquiring why the resolution referred to did not appear upon the minutes of the board, pending which the witness continued:

I was about stating in reference to the resolution authorizing Mr. Platt to make this contract which was in progress; the power was given to Mr. Platt to make a contract as in his judgment he thought would be for the interest of the State — with General Moffit; in keeping with that arrangement we met Messrs. Platt and Moffit at the Cumberland House, in Plattsburgh, at General Moffit's room, and there made a contract, by which we agreed to furnish and deliver two thousand tons of sand ore; this was the last day of September or October; it was the 25th day of October, 1875, that this contract was made.

The claimants proposed to submit a copy of the statement or memorandum of the alleged contract, not signed, the original of which is not in the hands of the claimant.

Objected to by the counsel for the State upon the ground that the original should be produced. Objection waived.

Q. Who made that copy? A. The original was made by Mr. Lapham; I made this copy which I have in my hands.

By the COUNSEL FOR THE STATE:

Q. When? A. I cannot give the date.

Q. When was it made with reference to the time that the original was submitted to the board? A. At the time this contract was made, Mr. Lapham suggested the propriety or expediency of having a written contract; Mr. Tobey was present and said: "You don't want any contract; it is only to run a year; there cannot be any question about it." That evening Mr. Lapham made a draft of the points of the contract which is embraced in this copy.

Q. Is that an exact copy of the original draft? A. This is an exact copy of the original draft.

Q. When was this copy made that you hold in your hands? A. Some time during this last winter or spring. The original draft was in my possession.

Q. And the copy of the original draft that you had submitted to Mr. Moffit or Mr. Platt was kept by the party to whom it was submitted? A. I understand Mr. Lapham that he left it with Moffit at Clinton prison; Mr. Moffit is here.

Q. Don't you remember the substance of the contract without reading from the paper? A. I remember the substance; perhaps I could not give it in full; I have the important points of the contract in my mind.

By the COUNSEL FOR THE CLAIMANT:

Q. That is a copy of the memorandum of the contract that was made? A. Yes, sir.

Q. And that was made on the night of the day that the contract was made with the agent and warden and inspector? A. Yes, sir; on the same evening; it was made from the draft that was made that evening. I can give you the substance of the contract by reading this much better than I could by recollection. That embraces the points of the contract that was made. (The witness here read the memorandum.)

Q. That is a correct memorandum of the contract that was made with General Moffit under the direction of the board, is it? A. Yes, sir, and in all of its items and details; it covers all the points in the agreement.

Q. Did you go to work and move ore? A. We proceeded very soon to make preparation to deliver ore under our contract, and in November or December there was a quantity of ore delivered which was paid for by the State, about thirty-nine tons; that was settled for by the State.

Q. Was that ore delivered on the contract? A. Yes, sir.

Q. And accepted by the State? A. Yes, sir, that was all that was delivered.

Q. Why wasn't there more delivered? A. The forge was lying still, and it was not convenient for them to receive the ore, and General Moffit desired us to delay delivery of the ore until they got to work. It was delayed, and before any further delivery was made the wind took the roof off the forge of the prison. Mr. Winslow, who succeeded General Moffit, said they were not prepared to receive the ore then, and later he declined to receive it at all. Mr. Winslow entered upon his duties in February.

Q. Mr. Winslow refused to receive any further ore? A. Yes, sir, I called upon Winslow, who refused to receive the ore.

Q. He refused to receive what had been furnished at the separator? A. Yes, sir, he not only refused to receive it, but he put in troughs in the yard to save up sand ore himself by convict labor. We were entitled under the contract to the flow of waste for the year. In the month of March or April we were stopped by Mr. Winslow.

Q. Did he assign any reason for refusing to take the ore? A. No, sir; no definite reason, but he abrogated the contract; and said he would not receive any ore.

Q. Did the board give any reason why they would not fulfill the contract? A. No, sir.

Q. Did they continue to manufacture iron after that? A. Not but a very short time.

Q. Did they make more ore than they used? A. They had ore on hand which they sold when they shut down the forge.

Q. Were there negotiations with the inspectors after they had used the Tromblee ore, with reference to a contract for this sand ore from the claimant? A. Yes, sir.

Q. Was there an expenditure made by the claimants for the manufacture of ore—washing ore—and for the ore itself? A. Yes, sir; there was.

Q. About what amount? A. We expended on separator, cost and labor, the material and supervision, \$467.67. We estimate sixty-one tons of ore on hand that they rejected at the separator; they refused to take it at the contract price, \$213.50; it was all ready for delivery; they had requested us to delay the delivery, and it had accumulated; that was the contract price less the cost of delivery. During the pending of the negotiations for the supply of this ore, we purchased the sand ore on the territory below the prison at a cost of \$600.

Q. What was the value of that sand ore waste when they refused to take it? A. Didn't place any value upon it; there was no market; it lies there still; none of it has been sold since.

Cross-examination:

Q. Who were the inspectors at the time that arrangement was made? A. Moses K. Platt, Mr. George Wagner and Ezra Graves.

Q. Yourself and Mr. Lapham were interested in the ore which was some distance from the prison? A. Yes, sir.

Q. How far was that from the prison? A. About a mile and one-third; it had been opened and worked to some extent, and some twelve or fifteen hundred tons of ore taken from that bed, separated at the prison yard, and used mostly at the prison forge; that was some eighteen years ago; that was before we became possessed of the mine.

Q. Where was this first talk with the inspectors, in which you said there was a resolution passed? A. It was at their office at Dannemora Clinton prison; I was there at the time; it was, from the best of my recollection, in July or August; I should say later than July—it was August or September; there was some little time intervening.

Q. Cannot you get at the time more definitely than that? A. I haven't any means of getting at the time definitely, as to the time that Platt was authorized to make the contract; the inspectors were present, and Mr. Lapham and General Moffit; I don't recollect any other; I was present.

Q. What time of day was it? A. It was in the afternoon, to the best of my recollection.

Q. Were you there when the interview first began, on that occasion? A. I could not say whether I was there when the subject was brought up or not; I was there during the discussion of the matter.

Q. State what took place while you were there? A. There was general talk in reference to furnishing this ore from this sand-waste; I could not give the conversation.

Q. State what was said? A. I think we all talked about it more or less.

Q. Was there any definite thing said? A. The question of its being expedient to use the ore was discussed.

Q. Tell what was said? A. I wouldn't undertake to give the exact language that was given.

Q. Tell what anybody said, the substance? A. I know the authorization was given to Mr. Platt.

Q. That is only a conclusion? A. I wouldn't undertake definitely to give the conversation that took place after that length of time.

Q. Is there any thing that anybody said that you do remember? A. I remember there was discussion as to the price of the ore; we wanted more than they were inclined to give; Mr. Platt was an iron man; Mr. Graves said he was satisfied; he regarded Mr. Platt's judgment as superior to his, as he was an iron man, and had been engaged in the manufacture of iron; he was satisfied to leave the matter with Mr. Platt.

Q. What did Mr. Wagner say? A. I could not tell you the words.

Q. Tell what there was in regard to the passage of the resolution? A. There was a motion made.

Q. Who made it? A. I could not tell you who made it. One of the inspectors made a motion and it was seconded by the other, and the resolution was adopted.

Q. Was the motion put? A. Yes, sir.

Q. Who put it? A. I think Judge Graves was the chairman of the board at that time; I think he put the motion and declared it carried.

Q. Can you tell what the motion was; can you give the language of that resolution? A. No, sir.

Q. Why didn't you have a memorandum of that resolution? A. I supposed they kept minutes of their proceedings; it was the usage of the board.

Q. You cannot undertake to give the language of that resolution? A. No, sir.

Q. Can you give the substance of it? A. Yes, sir; the substance was that the matter be referred to Mr. Platt to make such contract as he thought the interest of the State demanded; what would be for the interest of the State.

Q. Is that all of it? A. That is the substance of it.

Q. That comprises the substance of the motion? A. Yes, sir.

Q. After that you met Mr. Moffit and Platt, the inspectors, at Mr. Moffit's room, at the Cumberland House in Plattsburgh? A. Yes, sir.

Q. State what was said there and done; that was on the 25th of October, 1875? A. Yes, sir; there was considerable talk between Mr. Lapham and Platt bearing upon the question of price for the ore; we wanted \$4 a ton.

Q. Tell what was said? A. I don't know as I can; I can tell the substance of what was said.

Q. Give the substance? A. Mr. Lapham wanted \$4 a ton, delivered at the forge; Mr. Platt wanted to pay \$3.50, and it resulted in a compromise at \$3.75; \$3.50 for the ore and twenty-five cents for the delivery; the matters referred to in this agreement were all talked up at that time, the privilege of using the steam and waste hot water for the purpose of keeping the conductor open.

Q. Did you have a copy of the memorandum at that time? A. No, sir; the memorandum was made the same evening at my room.

Q. The memorandum was not used or shown to Platt or Moffit at that interview, at the Cumberland House? A. No, sir.

Q. How long were you there talking over this matter? A. Possibly fifteen minutes; I wasn't in the room all the time; I was there when it closed.

Q. That evening, after this interview, you made up a memorandum? A. Mr. Lapham drew the memorandum.

Q. When was that memorandum made? A. At my room at the Cumberland House; Mr. Platt or Moffit was not present at that time; the draft was made upon a fly-leaf of a book that I had, and Lapham took a copy of the draft at that time with him.

Q. Mr. Lapham submitted this copy to Mr. Moffit? A. He told me afterward he did; I don't undertake to give the particulars of that part of the transaction.

Q. Please explain about the sand ore? A. The ore is mined and

taken to the kilns; they were getting the ore within the prison inclosure; the State had possession.

Q. The ore bed was within the limits of the prison or pickets? A. Yes, sir.

Q. They had a contract to take from the ore bed to the separator?

A. Yes, sir, their kilns were erected just back of the separator; the ore is mined, elevated and dumped upon the cars; the ore bed is within the picket lines; it is dumped off on to the car and then wheeled into the separator (No. 4), where it is stamped; it is stamped with iron stamps; when it goes through the stamping process it goes through a stream of water; the waste passes off below the sieves and is carried down to the point described; in the stamping process there is a large portion of the pulverized ore that goes into the trunking trough; it is a trough leading up under the stamps; it then goes to the point where there are elevators that pick it up, and it then goes over into the sieves; there are two or three operations that take place before it goes into waste; the waste consists of sand and fine ore; that ore run into the ore separator, and we sold it to the State for \$3.75 per ton; we take up the waste just at the outside of the prison; it flows down in a stream; at the point where it formerly was thrown out we took it up; we put it in a trough with stops, and it is shoveled over into the water, and the sand drifts over and the ore remains; the operation is repeated; we sold ore to the State and delivered it to the prison yard to the forge; we delivered it to No. 7, at the forge.

By the COMPTROLLER :

Q. You had accumulated how much, after selling the thirty-nine tons? A. About sixty-one tons.

Q. Were not you paid monthly? A. As near as may be we were.

Q. When did you deliver the thirty-nine tons? A. I think it was delivered in December and January.

By the COUNSEL FOR THE CLAIMANT :

Q. Did it require an expert to do this? A. Yes, sir.

Q. Never had been done before? A. No, sir.

By the COUNSEL FOR THE STATE :

Q. What was it that you did? A. There was a trough that it came down in; we made the trough; the trough was twelve inches wide and about the same depth; perhaps sixteen inches deep, and the length of two plank twenty or twenty-five feet; it was constructed to hold it, but at times it would come down so rapidly that it flowed over, and it had to be saved up.

Q. How do you get it separated? A. The action of the water and manual labor; the water would carry it off and leave the heavier part at the bottom; there were stops put in, and the ore would stop against that, and we would put in another until the trough was raised to its proper height; it required some skill to do it successfully; it is the waste water from the separator from the mines; the stream comes from the gully back of the prison, furnished by the spring on the mountain side; the natural stream did not flow through the yard; it is conducted down into the yard by a ditch.

Q. After the water had gone through the trough, and separated the sand from the ore, you then transported the ore from that trough around to the forge? A. Yes, sir; it is taken out and piled, and when sufficient for transportation it is moved.

Q. You got out thirty-nine tons which you delivered in December or fore part of January, and there was sixty-one tons that you had gathered up? A. That sixty-one tons is estimated.

Q. Where was that sixty-one tons when this delivery was stopped by the prison authorities? A. It was piled in the separator building; the building was made from lumber; the building was properly inclosed with windows; it was 20x30, or thereabouts; it was all room.

Q. This sixty-one tons was piled up in a part of that building? A. Yes, sir; the building is there yet, and there is ore there yet, except what has been destroyed by depredations.

Q. How much of this waste come down there; how much was there when you started with this contract? A. The waste was flowing by and accumulating on the flat below, about a mile distant.

Q. Were you to do any thing with that down about a mile distant? A. Yes, sir; we were to clean there when the weather was suitable; there is something in our memorandum about that.

Q. What took place after you had delivered this thirty-nine tons of ore; what was the first intimation that you had that they did not propose to receive any more? A. I saw Mr. Winslow, and notified him that we were filled up there, and desired to deliver the ore; he said they were not in a condition to take it, and desired us to delay the delivery; that was in the month of February; Winslow took charge the latter part of January; it was the early days of February that the forge blew off; they were three or four weeks in getting it in shape; I then tried them again, and he declined to receive it.

Q. What did he say? A. He refused to take the ore.

Q. What did he say? A. He found fault with the ore, and said he did not think it was profitable to use it.

Q. Why? A. He did not give any definite reason.

Q. Did he give any reason? A. He said it was unprofitable to use.

Q. Didn't he say why it was? A. I don't think he stated particularly.

Q. Did you ever make any application to the prison authorities to be paid any thing after 1875? A. No, sir; never made any application.

Q. When did Mr. Platt die? A. He died in 1876, to the best of my recollection.

Q. When did Mr. Tobey die? A. In 1877.

By the COUNSEL FOR THE CLAIMANT:

Q. Was Mr. Winslow engaged in the manufacture of iron? A. No, sir.

Q. He never had had any experience in the manufacture of iron? A. No, sir.

Q. He wasn't a judge of the manufacture of iron? A. I shouldn't regard him so.

Q. What would be the cost of cleaning — washing that ore, and

taking to the forge; take the average that you took from the yard, and that proportion that was to be taken from the flats? A. I should say one dollar would cover the labor.

Q. What would be the cost of hauling? A. Twenty-five cents, to average it, for the two thousand tons taken from the flats below. It is probable that a portion of the sixty-one tons had accumulated before the payment of that bill.

By the COUNSEL FOR THE STATE:

Q. Can you tell about how fast that accumulated there? A. When they worked smart, we got one ton and a half or three-quarters in twenty-four hours.

By the COUNSEL FOR THE CLAIMANT:

Q. They were going to shut down the forge when they declined to take the ore? A. They did shut down soon after, and abandoned the manufacture.

By the COUNSEL FOR THE STATE:

Q. When did they abandon the manufacture? A. Early in 1876.

By the TREASURER:

Q. Why has not this claim been presented to the State before? A. I have no particular reason to assign other than what has been indicated; there has been no demand made upon anybody. I might state one reason why I have not felt like doing it, on account of the experience of others before the Board which has been unfavorable.

Adjourned to the 15th inst.

OFFICE OF THE SECRETARY OF STATE, }
April 15, 1880. }

Board met pursuant to adjournment.

James Christian, sworn for the claimants, testified:

I reside in Saranac, Clinton county, N. Y.; I was keeper of Clinton prison and had charge of the forge in 1875 and 1876.

Q. You were there when this sand ore was delivered? A. Yes, sir.

Q. You was there when the Tromblee ore was delivered? A. Yes, sir.

Q. How was the quality of iron from the "Tromblee" ore bed? A. It was very good.

Q. Was it an improvement over the ore that they had been using? A. Yes, sir; it showed both the quality and quantity; there was an improvement in the quality and quantity.

Q. There was a marked improvement in the quantity? A. Yes, sir; I should think about twenty-five per cent.

Q. What do you mean by the improvement in the quantity? A. I mean the yield of iron; I have done more or less hauling by team.

Q. What would be a fair price for hauling ore? A. I should take both together, \$1.25; I witnessed the cleaning of ore; it was worth \$1 for the cleaning.

Cross-examination waived.

Stephen Moffit, sworn for the claimant:

I was agent and warden of Clinton prison from 1875 to January, 1876.

Q. Did you make a contract with Parsons and myself for sand ore? A. Yes, sir.

Q. Give the substance of that contract? A. It was to be 2,000 gross tons at \$3.75 per ton, delivered in the prison yard or forge, and to be delivered in one year.

Q. A portion of that to be taken from the yard, and balance from the fields? A. Yes, sir.

Q. Who was present at the time that contract was made? A. I think Mr. Platt, Mr. Parsons, Mr. Lapham and myself.

Q. Was Tobey present? A. I am not sure; I think he may have been; he was present at some talk we had about this ore matter.

Q. Was there an agreement as to our having the waste? A. Yes, sir.

Q. And as to covering the stream and using hot water? A. Yes, sir; that was talked over; Mr. Platt was present, and agreed to the terms of the contract; the agreement was verbal.

Q. Was there some talk in regard to the quantity that should be taken from the yard, and below on the flat? A. Yes, sir; you were to have all the waste you could get from what escaped the separator, and after it passed off from State property. The balance was to be taken from the flat below; I don't recollect about the date of the agreement; it was in the fall of 1875.

Q. Were you present at the time of the meeting of the board of inspectors sometime previous to this agreement? A. I was.

Q. When Wagner, one of the inspectors, moved that Mr. Platt have full authority to —

[Objected to as leading.]

A. I don't recollect who moved? there was a general talk in relation to this matter, and they all agreed that the matter should be left with Mr. Platt, who resided in Clinton county, and was often at the prison; he was a practical iron man.

Q. They took action to that effect, in that board, and referred the whole matter to Platt? A. Yes, sir; they were willing that Platt should decide the matter; I don't recollect what was said.

By the COMPTROLLER:

Q. Have you any definite recollection that there was a resolution offered of any kind? A. No, sir, I have not.

By the COUNSEL FOR THE CLAIMANT:

Q. Who ever made such contracts theretofore; had you previously made such contracts yourself? A. I always made contracts; I never

made any contracts in relation to sand and iron, with the exception of 100 tons—I have bought wood in large quantities; it may be proper for me to say that it was very unusual for the board of inspectors to give any instructions, or take any part in the contract for supplies. I don't recollect of any other case but this, in which they interfered at all. I always felt that under the law I had the right to purchase supplies without any solicitation.

Q. You include in the word "supplies" ore? A. Yes, sir, manufacturing supplies; it required, of course, the approval of the inspector in charge at the end of the month for the estimate for supplies bought during that month; but they never interfered with a contract for supplies, for manufacturing iron at that prison, made in respect to contracts for wood and coal, and for ore and other materials, such as had always been the practice at that prison.

By the SECRETARY OF STATE:

Q. You would make out an estimate of the supplies which you would want for the month? A. Yes, sir.

Q. Before you purchased these supplies, did you submit the estimate to the inspector in charge for his approval? A. The ordinary supplies of the prison I did; the feeding of convicts and clothing of convicts; the estimate was always made before the articles were purchased; but supplies for manufacturing contracts had to be made several months ahead; wood had to be procured in the winter.

Q. You wouldn't order those unless your estimate was approved by the inspector? A. Wouldn't order ordinary supplies, particularly flour and clothing.

By the COMPTROLLER:

Q. Would you order the manufacturing supplies without an estimate? A. Yes, sir.

By the COUNSEL FOR THE CLAIMANT:

Q. The law didn't require you to estimate for manufacturing supplies? A. Yes, sir, they were estimated and passed upon by the inspector in charge, and passed upon by the Comptroller also, who gave his warrant.

Q. Did Mr. Platt approve of this contract and agree to it, at the time it was made? A. Yes, sir.

Q. Under such authorization by the board, as you considered it — [Objected to.]

Q. Mr. Platt agreed to that contract in the board? A. Yes, sir.

Q. You said he was authorized by the board to do so? A. I heard the board authorize him to do so.

Q. Had the State ever used any sand-ore previous to the 100 tons of Tromblee that you bought from us? A. I think not.

Q. Had you ever known of any being used—when did you first know? A. Very shortly before that first 100 tons was purchased.

Q. It was a new thing? A. Yes, sir, it was a new process, as I understand.

By the COMPTROLLER:

Q. Was it in the nature of an experiment? A. Yes, sir, it was an experiment to use it. It was very fine, and we thought it would burn up and waste. It is used in our county at other places. I understand. [The claimants exhibited to the board samples of the sand ore referred to.]

Q. Where did you first know of sand ore being saved? A. I first heard of its being saved over on the Sable river; I don't recollect when it was; I think it was a few months before this purchase of the 100 tons.

Q. Do you know the Englishmen that did this work? A. Yes, sir.

Q. They were the first men that ever cleaned any? A. I understand they were.

Q. You have kept an account of the cost of separating ore, as it come from the State separator? A. Yes, sir, we intend to keep a correct account of what it cost us; it cost us about \$7 per ton for separating the ore.

Q. You know the increased quantity and quality of iron after using the Tromblee ore and this ore? A. I don't know that I did particularly notice it; Mr. Platt was posted in that matter.

Q. Some portion of that ore was delivered under this contract? A. Yes, sir.

Q. And paid for by the State? A. Yes, sir.

Q. You don't know the exact quantity? A. No, sir.

Q. What inspector was in charge at the time of making this contract? A. I don't recollect; I think it was Mr. Platt, but I am not sure.

Q. You said that you were to allow us to take the waste as it come from the yard without being interfered with? A. Yes, sir.

Q. You said the price was \$3.75; did that consist of \$3.50 for the ore, and twenty-five cents for hauling? A. I think it did; there was a talk of so much for ore and so much for drawing; there was a good deal of talk about the price.

Cross-examination:

Q. How long have you been occupying the position of agent and warden at the time this contract was made? A. Nearly three years.

Q. How long did you continue after it was made? A. Three or four months after it was made; until January 25, 1876.

Q. This 100 tons of sand ore that is spoken of; where was that obtained? A. That was obtained on the Saranac river I suppose, some eight or ten miles from the prison; that was purchased of these gentlemen, I believe.

Q. How much was paid for that? A. Seven dollars a ton, I think.

Q. Who owned this land that is spoken of as the flat? A. I think it was owned by different parties; this waste settled in the bottom of this brook, and it was scattered for a mile or two.

Q. Do you know where the title of that land was? A. I don't.

Q. Do you know where the boundaries of the State land are, at the prison, connected with the prison? A. I think I do; I don't think the State owns any of the lands that is covered by this race; I really had charge of all the State land within five miles of the prison while I was there; within ten miles I think.

Q. How much land belonged to the State within five or ten miles? A. Perhaps 18,000 acres at that time; I think they have acquired more since, sold for non-payment of taxes.

Q. Was this flat used by anybody for cultivation? A. Yes, sir, it was all cultivated with the exception of where this brook was; it was in the farming district; I had no knowledge that the State owned any land there.

Q. How long before this contract was made, was this meeting of the inspectors that you speak of? A. I don't recollect; the board had a quarterly meeting; I don't recollect when this was; may have been the first of July, may have been later; sometimes got together for some especial purpose and met oftener than quarterly.

Q. What is your best impression about the time? A. I could not say, I don't recollect; I haven't looked it up in reference to any record, in relation to this matter.

Q. I wish you would state what took place at the meeting of the inspectors? A. I could not give any thing but the substance. Mr. Lapham and Parsons wanted to make this contract; I told them that this was a new thing; there was some question about the utility of it, and perhaps it would be carried out under my successor. We thought we would perhaps have to vacate, and I thought if I made a contract of this kind, I would want to do it under instructions. As we construed the law it had always been customary for the agent and warden to make all these contracts. This board got together and looked it over, and finally left it with Mr. Platt to advise me; I didn't feel like taking the responsibility myself.

Q. There was no contract made at that time, at the time the board met? A. No, sir; there was no contract made.

Q. They left it, as you understand, to Inspector Platt to advise with you and make such terms as you and Platt thought advisable? A. Yes, sir.

Q. Wasn't it customary to make contracts for supplies for manufacturing purposes, in writing? A. We used to make them in writing where the parties were not considered responsible; where we considered the parties responsible we did not always make them in writing; in our contracts in writing we generally held back a certain amount of money.

Q. Your contracts for supplies for maintenance were required to be in writing? A. No, sir; never made one in writing for maintenance; we did not contract the labor at that time; they were all engaged in manufacture on the State account.

Q. Didn't the statute require that contracts for supplies for the prison—supplies for the convicts—should be made in writing? A. No, sir, I think not.

Q. You think it only had reference to the labor of convicts? A. I think that is all.

Q. At the time this contract was made you had in mind the possibility of your not being there a great while? A. Yes, sir.

Q. Why did you make this contract for a year, or to be within a year? A. For this reason: We had always understood, and it has been since demonstrated, that ore that lies exposed to the elements becomes better; the impurities pass off and we want to get just as

much of that ore from below the prison, where it lay exposed, as possible; we only wanted these gentlemen to have the benefit of what was passing away there during one year, which we thought would compel them to give us sixteen or seventeen hundred tons of ore that had been exposed, in addition to three or four hundred tons that they got near by; the ore that was down on the flat had to be gathered together and washed.

Q. If it is improved by exposure, that which was got after fifteen months would be better than that obtained inside of a year? A. Yes, sir; but if this contract had run three or four years, they could have got this two thousand tons close by.

Q. Were you aware of the fact, or are you now aware of the fact, that if that contract had been for thirteen months, it would have been utterly void by the statute? A. No, sir.

Q. Or if it had been performed within a year it might be valid? A. I didn't know that, and I don't know it now. I didn't feel that I ought to make a contract alone without advice, because it was something that we hadn't tried except on the hundred tons; it was looked upon in the nature of an experiment.

Q. And the profits very uncertain? A. Yes, sir.

By the COMPTROLLER :

Q. Is your recollection definite that Mr. Platt agreed to take two thousand tons of this ore, whether it was profitable or not? A. Yes, sir; I have no doubt about it all. They have since used this wash at all the other forges, and it is demonstrated that it is profitable.

By the COUNSEL FOR THE STATE :

Q. When did you first see a copy of this memorandum that is exhibited here now? A. I don't recollect that I ever saw it until within a day or two; I have no recollection at all about it; I guess I signed something sometime ago; I have no recollection at all of seeing it; I think there was some memorandum made at the prison, but I don't recollect what it was; there was some memorandum on the minutes.

Q. (Showing paper.) Do you know that handwriting? A. Yes, sir.

Q. Is that Judge Graves' handwriting? A. Yes, sir.

The counsel for the claimant offered the signature in evidence.

Objected to by the counsel for the State on the ground that the testimony of the witness can be produced.

Q. (Showing another paper.) Is that your handwriting? A. Yes, sir.

The affidavit of the claimants, certified by General Moffit as being substantially correct, was offered, and objected to by the counsel for the State.

W. A. Fuller, sworn for claimants, testified :

I reside at Plattsburgh; I was "iron clerk" in the fall of 1875, and spring and winter of 1876 at Clinton prison; I was clerk in the manufacturing department.

Q. You were there at the time of the purchase and received one hundred tons of Tromblee sand ore? A. Yes, sir.

Q. Were you there, and did you receive a quantity of sand ore that was delivered by Parsons and Lapham, made outside of the yard? A. Yes, sir.

Q. How much? A. About forty tons, little less; I have a memorandum of just the quantity (referring to memorandum); there was thirty-nine tons, two hundred, two quarters and twenty-five pounds, at \$3.75 per ton. I paid for it on the 2d day of February, 1876; that was received on the contract; that was all that was received of that quality of ore.

Q. Was Mr. Wagner inspector? A. He was one of the board of inspectors.

Q. Was he in charge in the fall of 1875? A. I think he was until the 1st of January, 1876, for four months.

Q. You understand that the inspectors have to keep minutes, and have those minutes filed; to keep record of the proceedings during his term? A. It is required of the inspector to make minutes of all that comes under his observation, and when the board are in session.

Q. Was he in the habit of keeping the minutes? A. He was not in the habit of making minutes of the usual monthly business; there was very little that went on to the books during his term as inspector in charge; Mr. Platt came in charge about the first of January.

Q. How long did you remain there? A. Until the last day of May.

Q. You were there then when the forge blew off? A. Yes, sir.

Q. You were aware of the fact that they received ore under this contract? A. Yes, sir.

Q. Did they decline to take any more? A. There was no more ore delivered at all of that quality; Mr. Winslow was agent at that time; I think we continued to run the separator; I think it was expected when the separator was run at its full capacity to get from twenty-five to thirty tons per day. If they were run all the time it would accumulate 800 or 1,000 tons per week; I think they blew out in August; that was the permanent stoppage of the iron manufacture at the prison.

Q. What time did that forge blow off? A. It was in the early part, I think, 10th or 11th; it was five or six weeks after they got started again; that would bring it up nearly to the first of April; I don't remember when they resumed; I think they discontinued making any iron in August.

Q. They had a surplus of ore when they closed up? A. They must have had; they had no use for this ore.

Q. The State refused to take the ore under the contract? A. Yes, sir, they declined to take any more; it might have been previous to the month of May; cannot state just when it was; I know there was no more received; Mr. Platt was an iron manufacturer, and had been engaged in that business previous to his being inspector.

Q. Did you ever talk with Mr. Platt; had the idea of manufacturing the iron and utilizing the labor of the convicts by making brads, tacks, etc., occurred to him? A. That was his hope and plan of using the labor of the convicts at the prison to the best advantage to the State, in introducing the manufacture of some other articles of iron.

Q. Finer fabrics? A. Yes, sir, the greater portion of the expense would be in the manufacture.

By the COMPTROLLER :

Q. Do you know any thing about this contract yourself? A. I was not aware of the contract; I know there was a purchase of quite a quantity of ore, and there was just two thousand tons; Mr. Platt talked with me a number of times; I understood from him that there was such a purchase, and contract made.

Q. Did you go to the separator so as to know about the quantity of ore? A. I have been at the prison a number of times since I left; I took occasion a few times to look in and see what quantity of ore was on hand; was there a few days since and saw quite a large quantity there; I thought there was from seventy-five to one hundred tons I should judge.

Cross-examination :

Q. Who was to make the estimates there for the Comptroller? A. I made the estimates for the manufacturing department; the prison clerk made the estimates for maintenance.

Q. Did you ever furnish any estimate to the Comptroller which included this purchase? A. No, sir, because it was necessary to make the estimate to be supplied—for just the quantity of ore that would be used for the manufacture.

Q. Here was a contract for the purchase of two thousand tons of ore, for a specific quantity; how did you suppose it would be paid for monthly? A. It would be paid for monthly for the quantity furnished during the month; the estimates were not made as closely as they would be required in the prison proper; but in the manufacturing department it was impossible to do it.

Q. It was customary to make some kind of estimate or statement for the Comptroller in regard to the material purchased for the manufacturing department, in order that the proper appropriations could be made? A. Yes, sir; no money was paid out except upon estimates; in this case, I think the memorandums were not to be delivered until about eight or ten days—

Q. There never was any estimate or statement, do you say, sent to the Comptroller by which he would have any knowledge that any such contract was made. A. No, sir; there was not.

Q. Wouldn't it have been entirely proper to have included in some estimate or statement to the Comptroller, the fact that a contract of this large amount had been made? A. That was not in my province.

Q. In whose province was it? A. It was in the province of the agent.

Q. You was clerk of the manufacturing department? A. Yes, sir.

Q. So far as you know there was never any statement of this contract sent to the Comptroller? A. I could not answer that there was; I don't know that there was ever a statement sent to the Comptroller.

Q. How do you draw the money for the pay of supplies? A. By estimate made and sent to the inspector in charge; the ore was paid for upon what was actually embraced in the estimate for the following

month. In contracts for wood and garments, we knew about how much wood had been received and what the quantity would be for the month.

Q. In case of wood, you would make estimates for future delivery? A. Yes, sir. The ore was to be delivered within a year's time and to be paid for every month.

Q. The fact that it was to be paid for every month would seem to imply that there was to be a delivery every month, and if that is so, I don't understand why you make a distinction between sand ore and wood? A. The difference was that we would estimate for wood or hay for a supposed quantity; sometimes in feed we would know what quantity would be required. The estimate would not be as close in the manufacturing department as in the prison department.

Q. How did you pay for it? A. We did not estimate for it until it had been delivered; at the close of the month we would see what quality had been received, and upon that we would put the same amount in an estimate and draw the money covering that month; it was paid for and put in the estimate upon the actual quality delivered.

Adjourned to May term.

OFFICE OF THE SECRETARY OF STATE. }
ALBANY, April 14th, 1880. }

In the Matter of the claim of N. Lapham and David H. Parsons
agst.
The State of New York. }

Parties appeared pursuant to adjournment from April term and proceedings resumed as follows :

Ezra Graves, sworn in behalf of claimant and testified :

I reside at Herkimer.

Q. Were you inspector of State prisons in 1875? A. I was; my duties terminated on the 1st of January.

Q. Have you recollection of conversations had at various times with the board in regard to said ore? A. I recollect we had conversation together.

Q. Was there some action taken by the board referring the whole matter to Mr. Platt? A. There was a proposition made by you (Mr. Lapham), and Mr. Parsons to furnish the ore from the sand that came from the prison; I think your price was \$4; I am not certain but it was a little more; we had some talk upon the subject and we referred the matter to Mr. Platt, and directed him to use his judgment in the matter of making a contract with these men if he made one; as he was a man of experience, he was a better judge of the case than we could be.

Q. Did you give Platt full power and authority to act for the board with Parsons? A. We authorized him to confer with Lapham & Parsons, and contract if he thought it was for the interests of the State.

Q. Were you chairman of the board? A. I believe I was.

Q. Was there a question at that time as to supplying the ore for the prison? A. Yes, sir, there was this question raised, whether in obtaining the ore from the place where we did, it did not cost the State a larger sum than it would to obtain the ore from this refuse sand; we were also making an effort to sink a shaft upon State land to supply the ore from State property instead of paying the royalty that we were paying to those that owned the mines. We had obtained through the aid of the Legislature \$5,000 to ascertain whether there was a good ore bed on State land, and in obtaining that knowledge through a diamond drill we reached the ore bed at the depth of 180 odd feet. We then obtained an appropriation of \$5,000 to sink a shaft, and when I left in the fall of 1875, we had got down about 135 feet. Before we should be able to reach the ore we supposed, if we could get this sand for what it was reasonably worth, that we had better use it than to pay the royalty for ore in mines where we were obtaining it, as we had to go about 900 feet from the surface. We supposed that if Mr. Platt could make a contract for these prices it would be better for the State, until we could reach the ore on State lands. We were paying from \$7,000 to \$8,000 royalty. The royalty per ton was \$1 delivered in the bed; royalty is a mining term.

Q. You paid \$1 a ton for the ore in the bed? A. Yes, sir; the convicts dug the ore and separated it.

Q. Who was inspector in charge in the fall of 1875? A. Mr. Platt.

Q. Mr. Platt or Mr. Wagner? A. I don't know as I can say; my impression is, it would be Mr. Platt.

Q. Who was inspector in the fall of 1875? A. I cannot recollect; I am not able to say whether it was Mr. Platt or Mr. Wagner, but my impression would be, it was Platt?

Q. Have you any knowledge whether the action of the board authorizing Mr. Platt to act was entered on the minutes? A. No, sir; I can say this, that Mr. Wagner did not keep minutes; he was not in the habit of making full minutes; I have found some little memorandum sometime of his proceedings, but not full as Mr. Platt kept them.

Cross-examination:

Q. What was the system by which you, as inspectors, or whoever made disbursements of money, were furnished with necessary money to disburse for current expenses? A. I reported to the Comptroller the estimate; do you mean for supplies for the prison?

Q. For any thing you had to pay out money for? A. For supplies for the prison and necessary expenses, an estimate was made by the clerk or warden, and returned to the Comptroller, and on that estimate the Comptroller furnished the amount.

Q. Estimate for how long a time in advance? A. I think a month.

Q. Estimate made in advance of the probable necessary expenditure for the ensuing month? A. Yes, sir, that was the usual way.

Q. The Comptroller then drew his warrant on the Treasurer for some amount based upon that estimate? A. Yes, sir, whatever was deemed necessary for the prison during the month.

Q. Was any estimate ever made, to your knowledge, to the Comptroller, of the probable expenditures for this sand ore? A. Not that I know of.

Q. Why was it not made? A. The contract was not completed

when I was there; the contract was not completed when we were together; of course either Platt or Wagner was in charge of that prison up to the closing of my term; my term expired on the 1st of January, 1876.

Q. When was this meeting, if it was a meeting of the board of inspectors, in which this matter was talked about, the contracting with Lapham & Parsons? A. I am not able to state the precise time, but it was either the latter part of summer or early part of fall.

Q. Can you tell where it was? A. Yes, sir, it was in the office at Dannemora; Mr. Wagner, Platt and myself were present, and General Moffit was there.

Re-direct:

Q. The ordinary supplies were estimated for monthly? A. Yes, sir, the statute directs that; there were two offices kept at Dannemora; one was the clerk of the prison and the other was the clerk of the manufacturing department; although the estimates were made in the prison, they were made separately; I don't recollect the mode of estimating; I don't think it give the detailed items, but I may be mistaken about it.

Q. Was this question brought up in regard to any meeting of the board, after the authority was given to Mr. Platt? A. I don't recollect of any.

Q. Were you ever informed by Mr. Platt that he had made that contract? A. I think I was.

Q. With General Moffit? A. Yes, sir.

Q. Do you know the nature of the contract? A. He told me what he agreed to pay, which was less than what we talked of, and less than what Lapham offered to do it; he said he thought it was for the interest of the State.

Q. Do you know whether that action of the board was on the minutes? A. The full board?

Q. Yes, sir? A. I cannot tell; I haven't seen the minutes; I cannot now say that I know it was put upon the minutes, and I cannot say that I know it was not put upon the minutes.

The counsel for the claimant offered the affidavit of the claimants, marked Voucher No. 1, in evidence. Objected to as incompetent, and excluded.

Also copy of the memorandum of agreement as made by Mr. Lapham on the day the agreement was made. Objected to as incompetent; that it is not an agreement. Excluded.

Testimony closed.

The counsel for the State objected to the allowance of this claim on the ground:

First. That the contract is void for irregularity.

3 R. S., 6th ed., p. 1072, § 50, provides that "no contract shall be entered into by the agent and warden of either of the State prisons, for the hire or labor of the convicts, or for supplies for their support, or for *any purpose whatever*, unless the same

shall have been approved by a majority of the inspectors who shall be present in all cases at such letting."

It appears that at the time of the letting of the alleged contract, a majority of the inspectors were not present.

It does not appear that there was a meeting of the board of inspectors after this alleged contract was made, in which this matter was brought to their attention, and for their approval.

Power cannot be delegated by a board of State officers to an individual member to perform acts which shall bind the State. The responsibility must be assumed by the board or a majority of them, who shall be present in all cases when the act is done.

Second. The contract was not in writing.

The statute contemplates that a certain class of expenditures shall be made in behalf of the State, based upon a written contract. There is no evidence of any written contract.

Third. That it is a claim for prospective profits.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, Thursday, August 12, 1880:

PRESENT—Joseph B. Carr, Secretary of State; James W. Wadsworth, Comptroller; Nathan D. Wendell, Treasurer.

On motion, it is ordered that the claim of N. Lapham and David H. Parsons be disallowed.

No. 16.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, Wednesday, May 12, 1880:

PRESENT—Joseph B. Carr, Secretary of State; James W. Wadsworth, Comptroller; Nathan D. Wendell, Treasurer—members of the Board.

No. 178.

In the Matter of the claim of John Stocum <i>agst.</i> The State of New York.
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Claim for back pay as Captain of Company F, 161st Regiment, N. Y. Vols.; amount claimed, \$334.93.

CAIMANT'S STATEMENT.

To the Board of Audit of the State of New York:

This statement of John Stocum by way of amendment to the petition and paper heretofore presented to the said Board, states:

That he was commissioned as captain of Company F, 161st N. Y. Volunteers, Infantry, by a commission duly issued to date for September 19, 1862.

That from the 30th day of August, 1862, he was present at Elmira, N. Y., for duty with his company, having more than eighty enlisted men present for duty, and was duly mustered into the service of the State of New York, as appeared by the sub-muster-rolls of said company and regiment.

That on the 27th day of October, 1862, the said company and regiment were duly mustered into the service of the United States for three years, or during the war.

That from the 19th day of September, 1862, to the 27th day of October, 1862, the said John Stocum never received any pay or allowances as captain of said company, or of or on any other rank or capacity, from the United States or from the State of New York.

That he is now justly entitled to be paid by the State of New York, for his services as captain of Company F, 161st N. Y. Volunteers, Infantry, from Sept. 19th to Oct. 27th, 1862, as of the rank of captain — being one month and eight days.

That the pay he is justly entitled to recover is at the rate of \$118.50 per month.

That said services, at said rate per month, amounts to the sum as follows:

One month	\$118 50
Eight days.....	81 60
Total.....	\$150 10
Interest on same to date.....	184 83
Total due.....	\$334 93

That said sum of \$334.93 is now justly due and owing to the said John Stocum, the undersigned, for the services aforesaid, and no part of the same has been paid, and there are no offsets against said claim in favor of the State of New York.

The undersigned, therefore, respectfully requests that this statement may be taken and considered as a part of the proof to establish the said claim against the State, and that the same may be audited and allowed by said Board of Audit.

Dated BATH, June 4, 1880.

STEUBEN COUNTY, ss.:

John Stocum, being duly sworn, deposes and says, that the foregoing statement is just and true; that the sums therein stated and charged

[Assem. Doc. No. 8.]

for were duly rendered as therein stated, and the same have not been paid for, or any part thereof, and there are no offsets against the same, to deponent's knowledge or belief.

JOHN STOCUM.

Sworn to before me, June }
7th, 1880.

A. J. McCALL, *Notary Public in and for Steuben county.*

STATE BOARD OF AUDIT,
OFFICE OF THE SECRETARY OF STATE,
ALBANY, May 12, 1880.

In the Matter of the claim of John
Stocum
agst.
The State of New York.

Wm. B. Ruggles, First Deputy Attorney-General, Counsel for the State.

TESTIMONY.

John Stocum, the claimant, having been sworn in his own behalf, testified:

I was mustered into the United States service on the 27th day of October, 1862, as captain of company "F." This was service I done before mustering in at Elmira. I raised company "F" and took them to Elmira.

By the COUNSEL FOR THE STATE:

Q. How many enlisted men did you have in the company? A. I had eighty-three men.

Q. How long did you have eighty-three men? A. All the time from the 30th of August, 1862, until October 27th of the same year.

Q. This pay is for the time that you had your company at Elmira, waiting to have the company mustered in? A: Yes, sir.

Q. Why wasn't the company mustered in before? A. There was some other companies not filled, and they were waiting. I was at Elmira on duty every day with the company of eighty-three men, from August 30th to the 27th of October, the time they were mustered into the service of the United States. I had to be there every day on camp duty and in the barracks.

Q. You have not been paid for the particular service, previous to the mustering of the company into the United States service? A. No, sir.

Q. And the company was not mustered in before on account of the fact that the other companies in the same regiment were not full? A. Yes, sir. I made application to Washington for my pay, but the authorities did not recognize me in the United States service until I was mustered in.

Q. How do you get at the amount of \$228? A. That was the figures that Mr. Hubbell, my attorney, made. I live in Bath, Steuben county.

Testimony closed.

On motion, ordered referred to General J. B. Stonehouse, Acting Asst. Adjt.-General, for his opinion as to whether the claim belongs to that class, the amount of which will probably be reimbursed by the United States Government, if in other respects it should be regarded a proper one to be allowed by the State.

GENERAL HEAD-QUARTERS, STATE OF NEW YORK, }
ADJUTANT-GENERAL'S OFFICE, }
ALBANY, May 18, 1880. }

To the Honorable the Board of Audit :

The papers in the case of application of Capt. John Stocum, late commanding Co. "F," 161st Regiment, N. Y. Vols., for pay for services before muster, referred to me by resolution of the Board of Audit of May 12th, 1880, are herewith respectfully returned with the following remarks.

Par. XIX, of General Orders No. 52, series of 1862, from these headquarters, under which the 161st Regiment was organized, expressly provides that "the pay of officers will commence from the date of their muster into the service."

If this claim should be allowed and paid by the State; and presented to the United States for reimbursement, our own order would be quoted and the item disallowed. The Auditing Board established by chapter 397, Laws of 1862, allowed a large number of claims of exactly the same character as that of Capt. Stocum, which were presented to the Secretary of the Treasury for reimbursement several years since; the accounting officers of the treasury, however, have thus far persistently refused to allow them.

I am of opinion that this is not a proper charge against the State of New York.

Very respectfully, your obedient servant,
J. B. STONEHOUSE,
Acting Asst. Adj't-General.

At a meeting of the State Board of Audit held, at the office of the Secretary of State on Wednesday, August 12, 1880.

PRESENT — Joseph B. Carr, Secretary of State; James W. Wadsworth, Comptroller; Nathan D. Wendell, Treasurer.

After hearing the report of General J. B. Stonehouse, Acting Asst. Adjt.-General, upon the questions submitted by order of this Board, and as to the allowance of the foregoing claim :

On motion, it is ordered that the claim of John Stocum be disallowed.

No. 17.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, on Thursday, May 13, 1880 :

PRESENT—Joseph B. Carr, Secretary of State; James W. Wadsworth, Comptroller—members of the Board.

No. 194.

In the Matter of the claim of Ebenezer Brown	}
agst.	
The State of New York.	

Claim for labor and materials furnished in repairing road bridges over Crooked Lake canal ; amount claimed, \$289.11.

On motion, ordered that the petition of the above-named claimant be referred to the Auditor of the Canal Department and Superintendent of Public Works, and that they be respectfully requested to examine said papers and transmit to this Board their opinion as to the validity of said claim, and whether, in their opinion, it is not one which comes within the jurisdiction of the Canal Department, and if allowed, should be paid from the canal fund.

By order of the Board,
WM. H. STEVENS, *Clerk.*

CLAIMANT'S STATEMENT.

To the Hon. JOSEPH B. CARR, *Secretary of State, Albany, N. Y.:*

The petition of Ebenezer Brown, of the village of Penn Yan, in the county of Yates and State of New York, respectfully shows that some time in the spring of the year A. D. 1876, at the village of Penn Yan aforesaid, your petitioner, by virtue of the authority and under the direction of C. A. Walrath, Canal Commissioner at that time, did perform, or caused to be performed, certain labor in repairing road bridges on the Crooked Lake canal, and that certain materials were furnished in performing said labor for repairing said bridges as aforesaid, which will more fully appear by the bills hereto annexed, which forms a part of this petition, and are marked Exhibits "A," "B," "C," "D," and "E."

Your petitioner further shows that said labor was performed and materials furnished as specified and set forth in said annexed bills, marked Exhibits "A," "B," "C," "D," and "E," as will more fully appear by the certificate of the canal superintendent of repairs, Calvin Shelton, which is indorsed upon said Exhibits marked "A," "B," "C," "D," and "E," and which is hereto annexed.

Your petitioner further shows that the said claim has never before been presented by way of petition or other verified statements to any branch or other officer of the government, and that said claim is just and true, accurate and correct in every particular, and that the same,

or any part thereof, has never been paid to your petitioner or to any other person to or for his use or for his benefit, and that the same and the whole thereof is now justly due and owing to your petitioner.

That the nature of the proofs upon which your petitioner relies to sustain his claim is contained in the schedules hereto annexed and hereinbefore referred to; and that the names and addresses of the witnesses which your petitioner proposes to examine or have examined in his behalf, in case the same becomes necessary, are as follows:

Names.	Post-office address.
C. A. Walrath.....	Oneida, N. Y.
Calvin Shelton.....	Havana, "
B. S. W. Clark.....	Albany, "
Silas B. Dutcher.....	" "
Darius A. Ogden.....	Penn Yan, "
John S. Sheppard.....	" "
Enos Meritt.....	" "
William N. Wise.....	" "
Amos L. Strong.....	Dresden "

Your petitioner therefore prays that the said claim may be audited by the State Board of Audit of the State of New York, to the end that an appropriation may be made for the payment of the same.

EBENEZER BROWN.

Dated PENN YAN, April 2, 1880.

STATE OF NEW YORK, }
Yates County, } ss.:

Ebenezer Brown, of the village of Penn Yan, in said county, being duly sworn, says he has heard read the foregoing petition, subscribed by him, and knows the contents thereof; that the same is true of his own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters he believes it to be true.

EBENEZER BROWN.

Sworn before me, this 2d }
 day of April, 1880. }

WILLIAM S. BRIGGS, *Yates County Judge.*

EXHIBIT "A."

PENN YAN, April 12, 1879.

State of New York, Crooked Lake Canal, to E. Brown, foreman carpenter, Dr.:

1876.

To 34 1-2 days' carpenter labor, repairing and taking care of road bridges on Crooked Lake canal, from April 1, 1876, to January 1, 1877, at \$3.00 per day.....	\$103 50
To 15 3-4 days' double team labor, at \$4 per day.....	63 00

To 17 1-2 days' common labor, at \$1.50 per day.....	\$26 25
To 1 1-2 days' use canal boat for repairing bridges at \$4.50 per day	6 00
	\$198 75

Received Payment,
E. BROWN.

Indorsed:—I certify that the within bill of labor was employed by me, and the labor performed as stated in the bill for road bridge repairs on the Crooked Lake canal.

CALVIN SHELTON,
Superintendent Canal Repairs.

On the above statement I recommend the payment of the within bill by the State.

C. A. WALRATH, *ex-Commissioner.*

The State of New York, Section No. , Crooked Lake Canal, to E. Brown, Dr.:

1879. To amount of annexed bill labor performed in road
bridge repairs on Crooked Lake canal..... \$198 75

Received from Hon. B. S. W. Clark, Superintendent Public Works,
\$198.75, in full of the above account.

E. BROWN.

Dated at PENN YAN, April 12, 1879.

STATE OF NEW YORK, }
County of Yates, } ss.:

E. Brown, of Penn Yan, in the county of Yates, being duly sworn, saith that all the items in the annexed account are correct, and accrued at the dates respectively as stated therein; that no part of the same, or any item therein, is charged at more than its fair value; that it is a just claim against the State of New York to the amount of \$198.75 specified therein; that no part thereof hath been included in any former bill rendered against the State; that there are no legal or equitable offsets against the same; that the same, or any part thereof, hath not been paid to this deponent, or any other person, by or in behalf of said State, to the knowledge, information or belief of this deponent; that this deponent is the lawful owner of such account and entitled to the payment thereof. And further, that all the labor charged therein has been applied upon the works and to the benefit of the State, and that all the property charged therein has been delivered to the duly authorized agents of the State, and, according to the best of the knowledge, information and belief of this deponent, used for the benefit of the State, by or under the direction of one of the authorized agents thereof; that no commissions, presents

or profits have been paid by him or any person in his behalf, or agreed to be paid in the future by him or by any person or friend for him.

E. BROWN.

Subscribed and sworn before me, {
this 12th day of April, 1879. }

GEO. R. YOUNG, *Notary Public.*

Indorsed:—I certify that the annexed bill of labor was performed under my direction, in preparing road bridges on the Crooked Lake canal, by order of C. A. Walrath, Canal Commissioner.

CALVIN SHELTON,

Superintendent Canal Repairs.

PENN YAN, N. Y., April 12th, 1879.

EXHIBIT "B."

State of New York, Crooked Lake canal repairs, bought of John S. Sheppard :

1876.

March 8.	To	43 ft. pk. and bds, \$15.....	\$.65	Liby st. bridge
April 28.	To	768 " \$14, cartg. 50c.....	11.25	" "
May 10.	To	860 " 14, large size.....	12.04	" "
June 14.	To	171 " 14, ...	2.39	Dresden bridge
July 17.	To	77 " 14, ...	1.08	B'dge Croton Mills
Sept. 5.	To	17 ft. pine, 34, 626 ft. timb., \$14	9.36	Liby st. bridge
" 5.	To	320 ft. pk. 14, ...	4.48	Main "
" 7.	To	40 " 14, ...	.56	" "
Oct. 2.	To	1364 " 14, ...	19.10	Liby st. bridge
" 2.	To	112 " 14, ...	1.57	Fox "
" 31.	To	248 " 14, ...	3.47	Dresden "
Nov. 23.	To	288 " 14, cartg. 25c.....	4.28	Fox "

\$70.23

Received Payment,

J. S. SHEPPARD.

Indorsed:—I certify that the within bill of materials were furnished by my order, and used in road bridge repairs on the Crooked Lake canal.

CALVIN SHELTON,

Superintendent Canal Repairs.

On the above statement, I recommend the payment of the within bill by the State.

C. A. WALRATH, *ex-Commissioner.*

State of New York, Section No. , Crooked Lake Canal, No. , to John S. Sheppard, Dr. :

1879. To amount of annexed bill of lumber, used for bridge repairing..... \$70.23

Received from Hon. B. S. W. Clark, Superintendent Public Works, seventy dollars, twenty-three cents, in full of the above account.

JNO. S. SHEPPARD,

Dated PENN YAN, April 12, 1879.

Of the firm of .

STATE OF NEW YORK, }
County of Yates, } ss.:

John S. Sheppard, of Penn Yan, in the county of Yates, being duly sworn, saith that all the items in the annexed account are correct, and occurred at the dates respectively as stated therein; that no part of the same, or any item therein, is charged at more than its fair value; that it is a just claim against the State of New York, to the amount of seventy and twenty-three-hundredths dollars specified therein; that no part thereof hath been included in any former bill rendered against the State; that there are no legal or equitable offsets against the same; that the same, or any part thereof, hath not been paid to this deponent, or any other person by or in behalf of said State, to the knowledge, information or belief of this deponent; that this deponent is the lawful owner of such account and entitled to the payment thereof. And further, that all the labor charged therein has been applied upon the works and to the benefit of the State; and that all the property charged therein has been delivered to the duly authorized agents of the State, and according to the best of the knowledge, information and belief of this deponent, used for the benefit of the State, by or under the direction of one of the authorized agents thereof; that no commissions, presents or profits have been paid by him, or any person in his behalf, or agreed to be paid in the future by him, or by any person or friend for him.

JNO. S. SHEPPARD.

Subscribed and sworn to before me, }
 this 12th day of April, 1879.

GEO. R. YOUNGS, *Notary Public.*

Indorsed:—I certify that the annexed bill of lumber and materials were purchased by me and used upon the Crooked Lake canal for road bridge repairs, during the year 1876, by order of C. A. Walrath, Canal Commissioner in charge, etc. CALVIN SHELTON,
Superintendent Canal Repairs.

EXHIBIT "C."

PENN YAN, N. Y., *January 1st, 1877.*

New York State Crooked Lake Canal, bought of W. N. Wise :

1876.			
April 21.	To 10 60d	nails.....	\$ 50
April 28.	To 10 30d	do	50
April 29.	To 5 40d	do	25
May 10.	To 10 60d	do	50
Sept. 5.	To 10 30d	do	50
Oct. 2.	To 20 30d	do	1 00
Oct. 2.	To 5 30d	do	25
Oct. 31.	To 5 60d	do	25
Nov. 23.	To 10 30d	do	50
Dec. 7.	To 30 30d	do	1 50
			\$5 75

Received Payment,
 W. N. WISE.

Indorsed: — I certify that the within bill of materials were purchased by my order, and used in road bridge repairs on the Crooked Lake canal.

CALVIN SHELTON.

Supintendent Canal Repairs.

On the above statement I recommend payment of the within bill by the State.

C. A. WALRATH, *ex-Commissioner.*

The State of New York, Section , No. , Crooked Lake Canal, to Wm. N. Wise, Dr.:

1879.

To annexed hardware bill used in road bridge repairs on
Crooked Lake canal..... \$5 75

Received from Hon. B. S. W. Clark, Supt. Public Works, five dollars seventy-five cents in full of the above account.

Dated at PENN YAN, April 12, 1879.

WM. N. WISE.

STATE OF NEW YORK, }
County of Yates, } ss.:

W. N. Wise, of Penn Yan, in the county of Yates, being duly sworn, saith that all the items in the annexed account are correct and accrued at the dates respectively as stated therein; that no part of the same or any item therein is charged at more than its fair value; that it is a just claim against the State of New York to the amount of five dollars and seventy-five cents specified therein; that no part thereof hath been included in any former bill rendered against the State; that there are no legal or equitable offsets against the same; that the same or any part thereof hath not been paid to this deponent or any other person by or in behalf of said State to the knowledge, information or belief of this deponent; that this deponent is the lawful owner of such account and entitled to the payment thereof; and further, that all the labor charged therein has been applied upon the works and to the benefit of the State, and that all the property charged therein has been delivered to the duly authorized agent of the State, and according to the best of the knowledge, information and belief of this deponent, used for the benefit of the State by or under the direction of one of the authorized agents thereof; that no commissions, presents or profits have been paid by him or any person on his behalf, or agreed to be paid in the future by him or by any person or friend for him.

W. N. WISE.

Subscribed and sworn before me }
this 12th day of April, 1879. }

J. D. MORGAN, *Notary Public.*

Indorsed: I certify that the annexed bill of materials were purchased by my order and used for road bridge repairs upon the Crooked Lake canal.

By order of

C. A. WALRATH, *Canal Commissioner.*

CALVIN SHELTON, *Supt. Canal Repairs.*

[Assem. Doc. No. 8.]

EXHIBIT "D."

DRESDEN, N. Y., *December* 11, 1876.

State of New York, Crooked Lake Canal, in account with A. L. Strang:

1876.

Dec. 11. To 573 feet of two-inch plank, board measure,	
at \$12 per thousand.....	\$6 88

Received Payment,
A. L. STRANG.

Indorsed :—I certify that the within bill of materials were purchased by my orders and used for road bridge repairs on the Crooked Lake canal.

CALVIN SHELTON,
Superintendent Canal Repairs.

On the above statement I recommend the payment by the State of the within bill.

C. A. WALRATH, *ex-Commissioner.*

State of New York, Sec. No. . Crooked Lake canal, No. , to A. L. Strang, Dr.:

1879. To annexed bill of lumber used in repairing road	
bridges on Crooked Lake canal.....	\$6 88

Received from Hon. B. S. W. Clark, Superintendent Public Works, \$6.88 in full of the above account.

A. L. STRANG, of the firm of

Dated PENN YAN, *April* 12, 1879.

STATE OF NEW YORK. }
County of Yates, } ss. :

A. L. Strang, of Penn Yan, in the county of Yates, being duly sworn, saith that all the items in the annexed account are correct, and accrued at the dates respectively as stated therein; that no part of the same or any item therein is charged at more than its fair value; that it is a just claim against the State of New York to the amount of \$6.88, specified therein; that no part thereof has been included in any former bill rendered against the State; that there are no legal or equitable offsets against the same; that the same, or any part thereof, hath not been paid to this deponent, or any other person, by or in behalf

of said State, to the knowledge, information or belief of this deponent; that this deponent is the lawful owner of such account and entitled to the payment thereof. And further, that all the labor charged therein has been supplied upon the works and to the benefit of the State, and that all the property charged therein has been delivered to the duly authorized agents of the State, and, according to the best of the knowledge, information and belief of this deponent, used for the benefit of the State, by or under the direction of one of the authorized agents thereof; that no commissions, presents or profits have been paid by him or any person in his behalf, or agreed to be paid in the future by him or by any person or friend for him.

A. L. STRANG.

Subscribed and sworn to before me, }
this 12th day of April, 1879. }

ORVILLE F. RANDOLPH, *Notary Public.*

Indorsed :—I certify that the annexed bill of materials were purchased by my order, and used for road bridge repairs on the Crooked Lake canal by order of C. A. Walrath Canal Commissioner.

CALVIN SHELTON,

Superintendent Canal Repairs.

EXHIBIT "E."

PENN YAN, N. Y., Dec. 7th, 1876.

State of New York, Crooked Lake Canal, bought of E. Merritt :

1876. To one stick of timber, oak, 10x12, 25 feet long,
250 feet, at 3 cts..... \$7 50

Received Payment,
E. MERRITT.

Indorsed :—I certify that the within bill of materials were furnished by my order and used in road bridge repairs on the Crooked Lake canal.

CALVIN SHELTON,

Superintendent Canal Repairs.

On the above statement I recommend the payment of the within bill by the State.

C. A. WALRATH, *ex-Commissioner.*

The State of New York, Sec. No. , Crooked Lake Canal, to E. Merritt, Dr. :

1879.
To amount of annexed bill, lumber used for bridge
repairs on Crooked Lake canal \$7 50

Received from Hon. B. S. W. Clark, Superintendent Public Works, seven dollars and fifty cents, in full of the above account.

E. MERRITT.

Dated at PENN YAN, *April 12, 1879.*

STATE OF NEW YORK, } ss.:
County of Yates,

E. Merritt, of Penn Yan, in the county of Yates, being duly sworn, saith that all the items in the annexed account are correct, and accrued at the dates respectively as stated therein; that no part of the same, or any item therein, is charged at more than its fair value; that it is a just claim against the State of New York to the amount of seven dollars and fifty cents specified therein; that no part thereof hath been included in any former bill rendered against the State; that there are no legal or equitable offsets against the same; that the same, or any part thereof, hath not been paid to this deponent, or any other person, by or in behalf of said State, to the knowledge, information or belief of this deponent; that this deponent is the lawful owner of such account and entitled to the payment thereof. And further, that all the labor charged therein has been applied upon the works and to the benefit of the State, and that all the property charged therein has been delivered to the duly authorized agents of the State, and according to the best of the knowledge, information and belief of this deponent, used for the benefit of the State, by or under the direction of one of the authorized agents thereof; that no commissions, presents or profits have been paid by him or any person in his behalf, or agreed to be paid in the future by him, or by any person or friend for him.

E. MERRITT.

Subscribed and sworn before me, }
this 12th day of April, 1879. }

GEO. R. YOUNGS, *Notary Public.*

Indorsed:—I certify that the annexed bill of materials were purchased by my order and used for road bridge repairs upon the Crooked Lake canal, by order of C. A. Walrath, Canal Commissioner.

CALVIN SHELDON,

Superintendent Canal Repairs.

STATE OF NEW YORK:

CANAL DEPARTMENT,

ALBANY, *May 24, 1880.* }

To the State Board of Audit:

The Auditor, to whom, with the Superintendent of Public Works, was referred the claim of Ebenezer Brown, for labor and materials alleged to have been performed and furnished during the calendar year of 1876, in repairing road bridges over the Crooked Lake canal, respectfully makes the following report:

That the Legislature by act, chapter 260 of the Laws of 1875, in the last paragraph thereof, enacted that after the passage of said act the

expenditures for maintenance, repairs and superintendence of the Crooked Lake canal should not in any one year exceed double the amount, of tolls received and credited said canal the preceding year; that, in consequence of such limitation, all that legally could be expended during the fiscal year which ended September 30, 1876, was \$1,594.16, which sum, or, to be exact, all but \$1.27 thereof, was expended between October 1st, and the close of navigation in 1875. As the Legislature made no provision for maintaining the canal or its structures thereafter, either by an additional appropriation or by removing the restriction before referred to, the canal was never opened after its close in 1875, and was thenceforth practically abandoned. At the time the claimant furnished the labor and materials as alleged, the appropriation for repairs had been exhausted, and further expenditures by the Superintendent and Canal Commissioner were prohibited — a fact which those officers at the time well knew, and recognized by doing nothing in their official capacity, in the legal and customary method, toward maintaining the bridges in question. I am of the opinion that the claim, as against the State or on the canal fund, has no valid foundation for the reason that the officers who were charged with the supervision and repairs of the canals could not authorize an expenditure by others (if such authority was intended to be conferred) which they, themselves, were prohibited from making; and, therefore, the claim is not one which comes within the jurisdiction of this department, and could not, if allowed, be paid from the canal fund without a specific appropriation therefor.

Respectfully submitted,

GEORGE W. SCHUYLER, *Auditor.*

And concurred in by

S. B. DUTCHER, *Sup't Public Works.*

At a meeting of the State Board of Audit, held at the office of the Secretary of State, Thursday, August 12, 1880:

PRESENT — Joseph B. Carr, Secretary of State; James W. Wadsworth, Comptroller; Nathan D. Wendell, Treasurer.

No. 194.

In the Matter of the claim of Ebenezer Brown <i>agst.</i> The State of New York.	}
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After hearing the report of the Auditor of the Canal Department and the Superintendent of Public Works upon the questions submitted to them by order of this Board, May 13, 1880:

On motion, it is ordered that the claim of Ebenezer Brown be disallowed.

No. 18.

At a meeting of the State Board of Audit, held at the office of the Secretary of State on Thursday, March 11, 1880:

PRESENT—Joseph B. Carr, Secretary of State; James W. Wadsworth, Comptroller; Nathan D. Wendell, Treasurer—members of the Board.

No. 175.

In the Matter of the claim of Homer Rexford <i>agst.</i> The State of New York.
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Claim for infringement on patent; amount claimed, \$2,000.

CLAIMANT'S STATEMENT.

Before the State Board of Audit:

In the Matter of the claim of Homer Rexford <i>agst.</i> The State of New York.
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Homer Rexford of Rexford Flats, Sarataga county, in the State of New York, presents this statement of his claim against the State of New York, and alleges,

That on and prior to the 28th day of April, 1868, the said claimant was a citizen of the United States, and was the original and first inventor of an "improved lock-gate step," a machine, device or arrangement whereby lock gates are the more easily and with less expense replaced in position when unshipped by accident or design, and thereby the navigation of canals made the more profitable to the State and the more easy to those using the canals; that at the time the said "improved lock-gate step" was so invented by the claimant, the same was new and was then and is now highly useful, and the said improvement was not known or used by others before the said invention thereof by the claimant, and was not at the time of the claimant's application for the letters patent hereinafter mentioned in public use or on sale with the consent and allowance of the said claimant as the inventor thereof.

That on the aforesaid 28th day of April, 1868, letters patent for the said "improved canal lock-gate step" were in due form of law issued and delivered to said claimant in the name of the United States of America.

That said letters patent in their terms granted to the said claimant Homer Rexford, and to his heirs, executors, administrators or assigns for the term of seventeen years from the 28th day of April, 1868, the full and exclusive right and liberty of making, using and vending to others to be used the said invention, as will more fully appear from said

letters patent, ready to be produced, a copy of which letters patent is attached to this statement and forms part thereof.

That from and after the issue of said letters patent the claimant manufactured for sale and sold to the State of New York the said "improved canal lock-gate step."

That, as claimant is informed and believes, the Canal Board of the State of New York, in the year 1869, passed and adopted a resolution to the effect that the said "lock-gate step" should be used upon the canals of this State, and that such "step" should be purchased of the claimant, as inventor, at the rate of dollars for each pair of such steps.

That from and after such time and until the infringement of claimant's patent hereinafter stated, said "steps" were furnished by claimant to the State of New York, through its officers, agents and servants, at the price aforesaid and as fixed and established by said resolution.

That the claimant is in the full enjoyment of the rights and interests secured to him by the said letters patent and that such rights and interests have been and are of great value to said claimant, who is entitled to all the damages occasioned by the infringements of the said letters patent by the manufacture, sale or use of "improved canal lock-gate steps" made in violation of the said letters patent.

That the State of New York, through its duly authorized officers, agents and servants, since January 1st, 1870, well knowing the premises and the rights and privileges secured to the claimant by the said letters patent, but contriving to injure the claimant and to deprive him of the profits, benefits and advantages which might otherwise have accrued to him, has at the cities of Schenectady and Cohoes and at the villages of Waterford and Fultonville in the State of New York and at divers other places, unlawfully and wrongfully caused to be manufactured and made, and are now unlawfully and wrongfully causing to be made, and since said last-mentioned time has at the various locks upon the Erie and Champlain canals and upon the other canals owned by the State, used and are now using large numbers of said "steps" made after the style and manner of the invention described and claimed in said letters patent, and for the purposes described in said letters patent, in violation of the exclusive privileges therein and thereby granted to said claimant, patentee as aforesaid, and in infringement of said letters patent and of the claims therein contained.

That the State of New York, through its duly authorized officers, agents and servants continue to cause to be manufactured and to use the said inventions, though warned and requested to desist from such manufacture and use, or to pay said claimant any royalty thereon, and has injured and is still greatly injuring him, and depriving him from receiving the gains and profits from the use of the exclusive right to use the invention and improvement claimed in said letters patent, which the claimant otherwise and but for the said unlawful and wrongful acts of the State would have obtained and received.

That the exact number of "steps" so unlawfully manufactured, or caused to be manufactured by the State of New York, or so unlawfully used is not known to the claimant, but is as claimant is informed and believes at least five hundred.

That until such unlawful use by the State, the said "steps" were sold by the claimant at — a piece or — per pair, which price the State, under the resolution of the Canal Board, above stated, paid to the claimant prior to said infringement, and that by reason of the facts above alleged the said claimant has been damaged to the amount of \$2,000, for which sum the claimant hereby makes a claim against the State of New York.

The claimant further states that the nature of the proof upon which he expects to rely in support of said claim, and the names and addresses of the witnesses he proposes to examine in relation thereto, are as follows:

Letters patent No. 77,405, issued by the United States of America, to Homer Rexford, April 28, 1868.

Resolution of Canal Board passed 1869, recommending the use of said invention, and agreeing to pay to the claimant a royalty therefor, for the infringement; that "steps" were manufactured or caused to be manufactured by the State, and were used by the State in violation of claimant's rights as patentee; and the number of "steps" so manufactured or used by the testimony of the following witnesses:

Benjamin Van Vranken of Schenectady, N. Y.; Michael McDonough, of West Troy, N. Y.; James Dougrey, Jr., of Mechanicsville, N. Y.; Ira Parker, of Waterford, N. Y.; Jas. Shannahan, of Tribes Hill, N. Y.; John Cantine, of Schenectady, N. Y.; Edward Wemple, of Fultonville, N. Y.; members of the firm of Knickerbocker, Platt & Co., of Cohoes, N. Y.; members of the firm of Eddy & Co., of Waterford, N. Y.

The facts that before the infringement of the patent by the State, the State purchased the "steps" from claimant, and the price paid for same; also the proper amount to be paid by State to claimant as royalty for use of the patented invention, by the testimony of following witnesses:

Benj. Van Vranken, of Schenectady, N. Y.; Willard Johnson, of Fulton, N. Y.; Peter Hogan, of Albany, N. Y.; George Dinsmore, of Schenectady, N. Y.; George Conery, of Glens Falls, N. Y.; George Satterlee, of Fort Edward, N. Y.; George Shannun, of Argyle, N. Y.; Lyman Holbrook, of Sandy Hill, N. Y.

The merits of the invention, its novelty, value and use to the State, by the testimony of the following witnesses:

Elnathan Sweet, Jr., of Albany, N. Y.; Alex. Barclay, of Argyle, N. Y.; Howard Crocker, of Sandy Hill, N. Y.; Wm. Cooper, of Fort Edward, N. Y.; John Cantine, of Schenectady, N. Y.; George Dinsmore, of Schenectady, N. Y.; George Conery, of Glens Falls, N. Y.

All the allegations contained in the statement, by the testimony of Homer Rexford, of Rexford Flats, N. Y.

The said claimant further alleges and declares that the claim in question has never before been presented to any branch or officer of the government.

ALONZO P. STRONG,
Claimant's Attorney.

STATE OF NEW YORK, }
County of Schenectady, } ss.:

Homer Rexford, being duly sworn, deposes and says that he is the claimant above named; that he has heard read the above statement

and is acquainted with the matters therein stated ; that said statement is true to knowledge of deponent, except as to those matters therein stated to be alleged on information and belief, and as to those matters he believes it to be true.

HOMER REXFORD.

Sworn to before me, this }
6th day of Nov. 1879. }

G. O. VAN DE BOGERT,

Notary Public, Schenectady County.

STATE BOARD OF AUDIT,
OFFICE OF THE SECRETARY OF STATE, }
ALBANY, *March 11, 1880.* }

In the Matter of the claim of Homer
Rexford
agst.
The State of New York. }

Wm. B. Ruggles, First Deputy Attorney-General, Counsel for the State ; Alonzo B. Strong, Counsel for the Claimant.

TESTIMONY.

The counsel for the claimant offered in evidence letters patent, issued by the United States government to Homer Rexford, dated April 28, 1868, No. 77405, received and marked Exhibit "A," March 11, 1880. Hereto annexed.

Homer Rexford, sworn and testified as follows :

I am the claimant ; I reside at Rexford Flats. Saratoga county, this State ; I am a citizen of the United States, and have been all my life ; I am the patentee named in the letters patent referred to ; I have been a canal carpenter and have had charge of sections on the Champlain and Erie canals ; I have had practical experience on the canal, with the lock-gate steps which have been constructed previous to my patent.

Q. What was the effect of the old lock-gate ? A. The old gate sets on a simple step without a feather ; it often happened that a boat would go into the lock and would catch under the arm of the gate and hoist it off of the step, and we would have to draw the level to get it set back ; at other times we would raise the gate and get a man to dive — to put the step back ; sometimes it would stop navigation two or three hours, and sometimes six hours.

Q. What first drew your attention to this difficulty, and improvement ? A. The first I thought of it was when I was on the Champlain canal, the first year. We had a gate unship at Fort Miller bridge. Mr. Dorn was there and one of the Commissioners was with him, and we had a good deal of trouble ; we tried to ship the gate ; and had no step ; had to go sixteen miles to get a step. Mr. Dorn

said, "I would give \$25,000 if a man could get up something to prevent the gate from unshipping." I looked the thing over and got this step up and put it in use.

Q. Before this step was in use, was this accident of unshipping gates frequent? A. It was an every-day occurrence. The delay was from two hours to half a day. Mr. Crocker was the first man that ordered me to have these steps. Crocker was division engineer at that time, and had charge of the eastern division of the Erie canal; I supplied the steps; I furnished six to a number of different sections; don't remember the name; I sent six to sections one, two and three, and six to a section on the Black River canal at Booneville, I think on section two. They were to pay me \$10 apiece for the steps, and give me \$5 royalty. This was in 1868. These were the first steps manufactured by me under that patent. I have supplied steps since to Mr. Conery, superintendent of section two of the Champlain canal. I have supplied that section since 1868 down to the present time. I think I supplied for that section, as near as I can recollect, about 100. Mr. Conery paid me some, and Mr. Shannahan the section superintendent, who succeeded Conery. This 100 were to be used on the Glens Falls feeder, and on Champlain, section two. The royalties have been paid by the State, at the rate of \$5 apiece upon those steps. There have been no other sections supplied by me.

Q. Were any steps used upon sections one, two and three of the Erie canal, and one and three of the Champlain canal, without your consent and authority? A. Yes, sir; they have been used without my authority, and I have not consented to their use; I don't know about the Black River canal.

Cross-examination :

Q. These steps which have been used on these sections you have named, with your consent, you have been paid for? A. I was paid for all that was used on section two of the Champlain canal.

Q. In regard to the other sections of the Erie, where you furnished? A. I furnished six of those sections I speak of.

Q. Are they in use yet? A. They are used in the pattern, but not the same steps; when a gate is thrown out, it is because they don't take out the box and use it in the new gate.

Q. How long does it take for the new steps to wear out? A. There has been a good many worn out and thrown aside.

Q. Are some of those steps that were put in, out of the first batch, now in use? A. No, sir.

Q. How do you know? A. I know they are not because I have been on the canal all the while, and I know they have been changed since that time. I haven't been to every lock, but there is no lock gate in the canal now, that was in at that time.

Q. I want to know now whether some of those steps may not be in use that were originally furnished? A. No, sir; I don't think there is one in use now.

Q. Do you know that fact? A. No, sir; I don't know it.

Q. How recently have you been paid for any of those steps? A. Either four or five years ago.

Q. Who paid you last? A. Mr. Shannahan.

Q. Did you manufacture these or have them manufactured? A. I had them manufactured.

Q. What establishment manufactured them? A. Mr. Holbrook, of Sandy Hill and Mr. ———; they are not manufacturing them now.

Q. Can you tell how many of those steps you have furnished to the canal altogether, for which you have been paid? A. I cannot tell you now exactly.

Q. Have you any books or accounts in your possession, which would show the total amount you have been paid, and which you have not been paid for? A. I did have, but whether I have got any thing to show just the amount now or not, I cannot tell; I have books in which I always kept every step that I used.

Q. Have you ever furnished steps yourself, to replace those that were worn out or destroyed? A. Yes, sir.

Q. Can you tell how many steps you have furnished altogether, originally, to replace steps that were worn out and destroyed? A. I think about one hundred.

Q. Haven't you any means of ascertaining precisely? A. I have not, for this reason; I was on section 2 of the Champlain canal eleven years, and I kept a book so I could show every gate, and the date that I put my gates in, but I was burned out and the book destroyed; that refers to the Champlain canal; I kept an account of what I furnished to these sections.

Q. When you furnished a step to replace one that had been worn out or destroyed, did you keep an account of that? A. No, sir, I only kept an account of the gate I put in.

Q. Were you employed to put in these steps in all cases where you furnished the steps? A. No, sir, I was employed to put in all that I put in on section two, Champlain canal.

Q. When these steps were put in on other sections of the Champlain canal, you would furnish the steps and the canal authorities would put them in themselves? A. Yes, sir.

Q. Have you got any book or account now, anywhere, which you can refer to, either here or at home, by which you can tell just how many steps you have furnished for which you have been paid? A. I think I can; I have not got it here.

Q. Whether you can ascertain from any record, or memorandum or account book that you have kept? A. No, sir, not that I have kept myself.

Q. Or that you have had other persons keep for you? A. The books were burned; they referred to matters on the Champlain canal, and to the steps I furnished that I sent to sections one, two and three, the first batch.

Q. You haven't kept an account after that first batch? A. Yes, sir, I kept them on my book that I keep my time on; that book was burned.

Q. Have you made out from your recollection the contents of that book so far as regards this account for steps furnished? A. I cannot tell, so far as the book is concerned, exactly the number I have furnished, but I can tell by going to the foundries where they were cast how many I have furnished.

Q. All the records you have kept have been burned? A. Yes, sir, my

books were burned ; the fire was three years ago ; my house was burned.

Q. Have you furnished any yourself, since then ? A. No, sir, I have not.

Re-direct :

Q. Have any steps been supplied by you or with your consent, to sections 1, 2 and 3 of the Erie canal except the sections mentioned ? A. Yes, sir, and the other steps supplied were used on section 3 of the Champlain canal.

Q. Have any steps been supplied on the Black River canal except the six you refer to ? A. No, sir.

E. H. Crocker, sworn for claimant, and testified as follows :

I am civil engineer ; I have been engaged upon the canals of this State in the capacity of an assistant, and division engineer from 1855 to 1872, most of the time.

Q. As such engineer have you practical knowledge of the means of using lock gates and steps ? A. Yes, sir.

Q. Were you acquainted with old lock gates ? A. Yes, sir.

Q. What was the difficulty attending the use of that step ? A. The principal difficulty was unshipping ; there was no other difficulty.

Q. What effect did that have upon the navigation of the canal ? A. It delayed navigation, and made it inconvenient to raise a gate for repairs, in case the valves should get out of order ; those accidents were quite frequent.

Q. In your opinion as an engineer, is this improvement of great benefit and advantage to the State ? A. It is undoubtedly.

Q. Are you acquainted with Homer Rexford, the claimant ? A. Yes, sir.

Q. At the time of this invention by him, was it shown to you by him and discussed ? A. My attention was first called to it by Commissioner Dorn in 1868, just before he went out of office, and he said that Rexford had invented a lock-gate step that was very useful in case of lock gates unshipping, and called my attention to it and I examined it. I found it as the Commissioner had said, and he recommended that we use it and adopt it. The contractors, at that time, of all the lock gates were ordered to use that step as a means of preventing future troubles. That is the best I recollect. It was about twelve years ago. Since I was subpoenaed here, it comes to my mind that Commissioner Dorn called my attention to it.

Q. In pursuance of the recommendation of the Commissioner, do you say that new steps were supplied with the improvement ? A. Yes, sir ; I called the attention of the contractors to it. The pivot and socket were just about the same as the old pivot and socket, with the exception of the pivot. (The witness described the improvement by the model.) This slot to which I call your attention is a slot in the socket I speak of, so that the gate would lift it up.

Q. The precise thing patented was the arrangement with the slot and feather ? A. It was the slot and feather.

Q. Is that lock step fastened to the masonry of the lock? A. No, sir; it stands right on the floor; the lock-gate step and feather attached is loose upon the floor, so if a boat strikes it it will knock it out of position, and close the gate, and the water throws it back into the quoin.

Q. Was there a royalty fixed and paid upon these steps supplied by your office? A. I think Rexford was paid by the contractor, but how much I don't know.

Q. In your opinion as a canal engineer, what is the value of the use of that step by the State, upon the canals of the State? A. That is very difficult to estimate; its value at the western end of the long level would be very great, for you could not very well get the gate in position, without drawing off the water, and the damage would be immense.

Q. The difficulty of estimating the value to the State is the immense damage which would result to the State in certain cases, by the use of the old lock-gate step? A. Yes, sir; I recollect that the men in charge of the lock would tie a cord around the lock-gate step, so as not to draw off the level, and so as to lift the step of the gate; they would attach a cord to keep it in the socket.

Q. Is a royalty of \$5 a fair royalty? A. I don't think it is too much; it is a simple thing; but it is exceedingly useful; I think it ought to be worth \$5 a step.

By the COUNSEL FOR THE STATE:

Q. What are the elements that enter into your judgment in fixing that amount of \$5? A. I make it up by the inestimable value, under certain circumstances, it is to boatmen, and I suppose primarily to the State.

Q. Is there any reason that you should fix it at \$5, rather than \$10 or \$20? A. If you itemize it you would not get out \$5; if you itemize it by the weight of the casting you get 100 pounds, and the old lock-gate step weighed about the same thing. The merit is not in the weight, but it is in the feature.

Q. Can you tell about what the expense of manufacturing the steps would be aside from the matter of infringement of the patent? A. The steps weighed about 100 pounds; after making the original pattern the expense ought not to be a great deal. The foundry-men asked four or five cents a pound for such castings; what margin of profit they have I don't know. I should not arrive at its value in that way.

Q. How do you get at the \$5? A. I don't say it is worth that; I say it ought to be worth \$5, it is worth at least \$5. If I was superintendent on the canal, I should be willing, sometimes, to give a good many times \$5, if I had the step in the case of unshipping. Its general utility, on account of the feather and slot, is great in certain cases, and in other cases is not much. In case of unshipping at the Saratoga lock, on the Hudson river under the old system, you will have to wait a half a day perhaps.

By the COUNSEL FOR THE CLAIMANT:

Q. Could a gate be raised and reshipped under the expense of the old system for less than \$3, taking time of men and erection of

derrick? A. It would be necessary to raise a derrick to raise and put it into position again, but to have the pivot remain would be a difficult matter; one time in ten you might raise and put it down all right again.

Q. Wouldn't the average cost to the State of reshipping a gate, which was unshipped, amount to \$5? A. Yes, sir; I should think so.

By the COUNSEL FOR THE STATE:

Q. Might it not amount to considerable more? A. In some cases.

Q. Might it not amount to a good deal less? A. Yes, sir; in some cases.

By the SECRETARY OF STATE:

Q. Did you ever know of a case of the patent step unshipping? A. No, sir; I don't recollect of a single case. It would happen, however, if this feather should get just in line with the slot; that I believe has been remedied.

George Conery, sworn and testified:

I was engaged upon the canals of the State as superintendent in 1874; I was on section two and section three of the Champlain canal, except that portion of section two, for about three miles, and in 1875 on the middle section.

Q. Are you acquainted with the lock-gate step of Rexford's? A. Yes, sir.

Q. Did you cause it to be used upon the canal where you were superintendent? A. I did use it.

Q. Were you acquainted with the difficulties attending the use of the old step? A. Yes, sir; it was the unshipment and difficulty of reshipment.

Q. Have you known of any cases of unshipment by the improvement? A. I never knew it to unship; never had an instance of it.

Q. In your opinion is that invention of great practical benefit to the State, the use of it? A. I consider it so.

Q. What was the royalty paid by you to Rexford for the use of the improved steps? A. Five dollars, I think.

Q. Can a gate be taken out of the lock and reshipped in less than half an hour? A. It depends upon the lock.

Q. Supposing every thing was favorable, could it be raised and reshipped in less than half an hour? A. No, sir, that would be an extraordinary case to do that.

Q. What is the average time, suppose the conditions were favorable, of taking up and reshipping a gate under the old system? A. I have known it to take from one to three hours, and half a day.

Cross-examination:

Q. You paid Rexford \$5 royalty for those you used? A. Yes, sir, I paid the man that cast them the whole bill, and he settled it himself. I think I ordered them manufactured, and I paid him about \$10, and the manufacturer settled with Rexford.

Q. There was an arrangement between him and Rexford in regard to the royalty? A. Yes, sir, and it was understood between Halbrook and myself about it.

Q. The step cost you ten dollars? A. Yes, sir; I think it was in the neighborhood of ten dollars.

Q. Can you tell just how much it cost? A. I could tell by my books; I don't know as I could state exactly now; I have the superintendent's books that tells me every man I paid and purchased of; I didn't consider my books before coming here, because I didn't think it was to be required of me.

C. H. Disbrow, sworn and testified as follows:

I am book-keeper of the Rankin Knitting Company; I worked for Horrivan; I was with him from 1870 to 1877; I had a power of attorney from Horrivan.

Q. Mr. Horrivan engaged in making castings for the canal officers during that time? A. He was.

Q. Did he cast steps of the kind before you? A. He did.

Q. Have you any means now of ascertaining the number he cast? A. No, sir; I haven't access to his books and consequently most of the charges against the State were put in, in a lump.

Q. These steps were ordered by whom? A. Ordered by some of Mr. McDonough's men, and also by men from the Champlain canal; I think Mr. Conery never ordered any; Mr. Dougherty ordered some; I don't know how many were cast.

Q. The steps cast of Horrivan were shipped where? A. They were sent to the State yard at Cohoes; they generally ordered from fifteen to twenty-five at a time.

Cross-examination:

Q. Who do you mean by *they*? A. I referred to the officers at the State yard.

Q. Who was it? A. Mr. McKee did the most of the ordering. He didn't order of me, and I wasn't always present when he ordered; I generally saw all the orders.

Q. Were you present at any time? A. I have been present when he gave orders for those steps; he generally gave it to the foreman in the foundry.

Q. Can you pick out or designate the particular times when you knew personally of his making an order? A. I cannot; he has given orders to me directly for valves. He has not given me any orders in regard to these steps. Mr. McKee is Mr. McDonough's foreman I think; Mr. McDonough was superintendent of section one of the Erie canal.

James McKee, sworn and testified as follows:

I am foreman of repairs on section one of the Erie canal; I have been so since 1874, first of March; I had charge of the repairs of lock gates as such foreman; there are twenty-seven locks, weigh locks and all, in section one. There are eighteen from the basin; there are three weigh locks, four side-cut locks, and three locks on the Champlain

canal. We have a small part of the Champlain canal, from the new junction above West Troy to the Mohawk river; it is all included in section one of the Erie. Section one of Champlain canal starts from the north side of the Mohawk river.

Q. You say there are twenty-seven; do you count the sixteen as double or single? A. They are double.

Q. How many gates are there on those twenty-seven locks? A. There are twenty-one double locks; that makes forty-two locks with four gates in each lock; there are two weigh locks with four gates in each lock; there are two locks that use these steps, two in each lock; there are four gates at the guard lock, where we enter the river.

Q. Do you include the side-cut locks? A. I believe I have; counting those in the double locks; there is a combined lock at the lower side-cut; there are six gates in two locks; two should be deducted.

Q. How many gates are there on this section that use this step? A. I don't know; all of the new gates that are being put in use this step.

Q. How many do use it? A. I don't know; I am referring to the section that I am on.

Q. All of these locks on this section that you are on do not use this step? A. No, sir.

Q. Can you tell how many do use this step? A. No, sir; I know that about all are using this step.

Q. How many gates have you put in? A. I don't know exactly; to get them exact you would have to refer to the Superintendent's yearly report. I think in the neighborhood of 100 gates I have put in; that is simply an estimate.

Q. In each one put in, this improved step is used? A. There may be a few exceptions; there may be ten gates put in that we do not use these steps.

Q. Where were those improved steps procured that were used by you? A. Those that I have knowledge of were procured of Horrivan; part of the time I ordered of any person that was sent to the foundry.

Q. Is there any record of yourself, or the superintendent to your knowledge, showing exactly how many of those steps were used at that time? A. No, sir; no record kept so as to identify it.

Q. Do you know of any means now by which we can trace how many steps have been used, by the record? A. Can be traced by the record in the Superintendent's and Auditor's office. Those report a certain number of gates put in every year, and with the exception of eight or ten of those gates, they use this step.

Q. Do those reports show the number of steps that are used; or show what gates you put in? A. The report states the number of gates; this step has been used exclusively, except sometimes we would be out of them and have to use the old ones.

Q. Is it the policy, at the present time, where they put in a new gate to use this new step? A. I don't know any thing about it outside of my own section.

Q. I ask in reference to section 1? A. We have used this almost exclusively.

Cross-examination :

Q. How long do you say you have been on that section? A. Six years to the first of March.

Q. How recently have you put in patent steps on that section? A. During this last summer; in the spring repairs we put in a number of gates; these gates were being put in when I first went on to the section.

Q. Do you know under what arrangement? A. No, sir.

Q. Sometimes you ordered those patent steps yourself? A. We ordered the steps; I don't know any thing about the patent; we have ordered at Horrivan's right along; when we needed steps we ordered them. We would get the order from the section superintendent who purchased supplies for the section.

Q. You know nothing about any arrangement, except that the section superintendent would authorize you to order these, when you wanted them? A. Yes, sir.

Re-direct:

Q. Do you know whether or not this patent step prevents the unshipment of the gates? A. The gate will be thrown out of place but the step is not so liable to fall out of the box with this arrangement. I have known instances where the steps have come out under this arrangement; the section superintendent gave all orders at that time. The Superintendent of Public Works did about all the ordering, or deputized his deputies to do that.

Q. Do you know of the Superintendent of Public Works making any orders for these steps? A. No, sir; all I know is that when we were out, we made a requisition upon the assistant, Shaunahan, and the steps were forthcoming. He is now assistant superintendent; he is now located at Tribes Hill, and has charge of the first division of the State canals. I think it extends above Utica.

Q. All you know about the authority for procuring these to be manufactured is when you wanted them, you have been in the habit of making a requisition? A. The superintendent over me would make a requisition; he would send it to the division superintendent.

R. G. Hathaway, sworn and testified as follows:

I have been connected with the canals; I was general foreman on section two of the Erie canal in the years 1870 and 1871, and then I was out two years, and from that time until 1878. I was general foreman four years, from 1874 to 1878, and the last two years I have been section superintendent, appointed by Mr. Clark. I had been superintendent of the canals before that; I am acquainted with the claimant and the improved step. There are seventy-four gates upon section two of the Erie canal.

Q. Are there any of those gates where that patent is not used? A. Not on that section.

Q. They have been in use for how long? A. We found some there when we came in in 1870; I could not say how many; they were on hand; whether they had been used previous I could not state.

Q. After that supply was exhausted, the new steps were put in as you put in new gates? A. Yes, sir, and the whole section and gates have been new, every one, since 1870.

Q. What is the average annual number of steps used upon that section? A. I could not tell you exactly; put in gates when they got broke; the average life of a gate is from ten to twelve years.

Q. What do you say as a practical canal man of the advantage to the State of the use of the improved step? A. It is an advantage, there is no question about that; in the use of the old steps we would use a dozen of the lower part of the step because they would drop out; now we don't lose any of them; now the step is not lost when the gate is unshipped. It is a very rare thing if one does come out.

Cross-examination:

Q. Do you know how many of those steps you found on hand in 1870? A. I could not state how many there were there.

Q. Can you give an estimate? A. I could not swear to within three or four; there might have been seven or eight, and might possibly have been more, but I think not more than that. I don't recollect how we come to get them in the first place.

Q. How soon after you went there did you get any? A. I could not tell for the reason that I don't know where the first come from; they were there ready to put in.

Q. Were there any of those in use at that time? A. I think there was; I think they had put in four or five the year previous to my going there.

Q. Had they put in any two years before? A. I could not say.

Q. Can you say how many, upon that section, were in use in 1870, when you went on the section? A. No, sir; I could not.

Q. Can you tell how many new ones you procured and put in during the year 1870? A. No, sir.

Q. Can you tell how many new ones you procured and put in during 1871? A. No, sir; I didn't buy them, and consequently know nothing about it.

Q. Do you know how many new ones were put in, in 1874, 1875, 1876, and 1878? A. No, sir; I can tell you how many were put in, in the last two years, I mean 1878 and 1879; thirty-two were put in, in those two years.

Q. Who put them in? A. They were put in under my direction.

Q. Were any of those thirty-two on gates that had had the same patent step previously? A. No, sir, these were put in new gates.

Q. Do you know what kind of steps were on the gates after these new gates were substituted? A. Most of them were old fashioned; I think there might have been half a dozen.

Q. How many new gates were made? A. I cannot tell you; I should guess half a dozen.

Q. That refers to the new gates? A. This thirty-two does.

Q. A portion of that thirty-two were patent steps put in where patent steps had previously been used? A. Yes, sir.

Q. How many gates were on that section all together? A. Seventy-four.

Q. Do you know how many of those patent steps were in use on the section outside of these thirty-two new ones, when you came in, in 1870?

A. I know that gates have been put in; no, sir, I cannot.

Q. There were some of the patent steps used on the other locks outside of this thirty-two? A. Yes, sir.

Q. You don't know how many? A. No, sir, I could not tell.

By the COUNSEL FOR THE CLAIMANT:

Q. Give your best recollection of the number of those steps that were used when you came on to the canal in 1870? A. I say now that I cannot recollect exactly the number.

Q. What is your best recollection as to the number of improved steps when you came there in 1870? A. I should think half a dozen, but it might not be more than four.

By the COUNSEL FOR THE STATE:

Q. How do you fix it at half a dozen? A. We probably had taken out gates that had half a dozen in, and the gates were put there before I come there. We found them steps in; I say that we have replaced every gate used on the section since 1870, and we have used no other steps but these.

Q. You found these patent steps in use in half a dozen gates that you took up? A. Yes, sir.

Q. What kind of steps were in use in the gates you did not take out? A. The old fashioned steps, because we have taken them out since.

Q. Who took them out? A. Mr. Parker put in seven gates in 1873 and 1874, and Mr. VanVranken put in all except those thirty-two I put in.

Q. Were all of those gates taken out at all times, under your personal supervision? A. They were during the eight years; they never raised a gate and took one out but what I was there.

Ira Parker, sworn and testified as follows:

I have been connected with the canals of this State; I have been on the first section of the Champlain canal as general foreman and especial agent for the last four years; I was on the canals before that; I was on the first section of the Erie.

Q. How many lock gates are on the first section of the Champlain canal? A. Thirty-two lock gates that use that step.

Cross-examination:

Q. How many of these patent steps did you find when you went on, four years ago? A. There was not all of the gates that used this step—that had in this same style of step; a portion of them had the old style.

Q. How many did use this style when you first went there, of these thirty-two gates? A. I could not say.

Q. How many new gates have been put in since you have been there? A. Nineteen new gates put in on the section.

Q. Were any of these nineteen new gates put in where this step had been used on the old gate? A. Some of them were.

Q. Do you know how many? A. I could not say exactly; there was a portion of them.

Q. Where were these steps cast? A. We got ours of Mr. Horrivan of Cohoes; I think we have ordered and had of him twenty steps.

Edward Wemple, sworn and testified as follows :

I reside in Fultonville, Montgomery county, New York; I am a foundry man, and have a machine shop. I have cast steps of that kind; we made a few for Mr. McDonough, superintendent of section one of the Erie, and a few for Mr. Hathaway of section two, and upon the order of Mr. Shaunahan.

Q. Are you able to give the number of steps that have been cast by you? A. I could not possibly; I know of twenty-nine positively that we have sent to different places; that was in the year 1878. We sent nineteen to McDonough, that I cannot swear positively, but I believe to be this kind; that is in addition to the twenty-eight; we sent nineteen to McDonough and at another time six; and six to Hathaway, and seventeen to Shaunahan; we sold nineteen, that I am not positive, that they were of this kind, but the other twenty-nine I am positive. I didn't cast any before 1878. Mr. Hathaway sent me a full casting of both pieces; those were the first; there are twenty-nine that I am positive about, and I think the whole were of this kind, including the nineteen.

Q. When did you first commence manufacturing? A. In the spring of 1878, latter part of April or forepart of May. The first order was given by Hathaway of Schenectady; that order was for six of the complete step; the next order was from McDonough of Troy; that was about the same; he had nineteen at one time and six at another; Mr. Shaunahan had the next; he had seventeen of one piece and nineteen of another piece, the cone box.

Q. State what you charged for these per step? A. At first we got three and one-half cents per pound for casting; they are plain castings; that includes the whole; I think they would weigh about seventy to seventy-three pounds, both pieces complete.

John Cantine, sworn and testified as follows :

I reside in Schenectady; I am foundryman, of the firm of John Cantine & Co.; I am the John Cantine; this pattern is made under my direction.

Q. Did you cast any steps of that kind? A. Yes, sir.

Q. Under whose direction? A. The first were under Mr. B. Van Vranken, superintendent of number two section of the Erie; that was in 1871; in 1872 Mr. North was superintendent of section one of the Erie, and ordered four, and in 1873 he ordered twenty. Van Vranken ordered eleven in 1871; in 1874 Van Vranken ordered five; in 1875 Van Vranken ordered six; in 1875, Mr. McDonough, superintendent of section one of the Erie, ordered twelve. He ordered them through Mr. Van Vranken; in 1876 Van Vranken ordered twelve; in 1877 Van Vranken ordered nineteen; in 1878 Van Vranken ordered seven; in 1878 Hathaway ordered eight.

Q. The total number of steps you furnished is how many? A. one hundred and four steps.¹

Cross-examination.

Q. Did you manufacture any steps for Rexford, the claimant? A. No, sir.

Q. Did you know the article was patented? A. Van Vranken told me it was.

Q. When did he tell you so? A. I made the pattern February 25, 1871; that was the time I presented the bill and he paid me; that was the time he told me; I made the pattern under his direction; the State owns the patent on the table; I did the work for him and under his direction.

Q. Did it occur to you that you were making yourself liable for manufacturing them? A. No, sir; I was making it for him, and making the castings for him; I was paid as for an ordinary casting and the pattern as an ordinary charge for patterns.

The counsel for the claimant offered in evidence the pattern before the Board as an exhibit, received and marked "B."

Adjourned to the April term for a further hearing.

STATE BOARD OF AUDIT,
OFFICE OF THE SECRETARY OF STATE, }
ALBANY, May 12, 1880.

In the Matter of the claim of Homer
Rexford
agst.
The State of New York.

Proceedings in this case resumed from March 11th, 1880.

George Densmore, called and testified :

Q. Have you, at the request of Mr. Rexford, investigated the number of steps in possession of the State at Cohoes? A. Yes, sir; that was in March, this year.

Q. With whom did you make that examination? A. With Mr. McKay; he was boss carpenter of section one of the Erie canal; I examined with him the number of steps at Cohoes, and with him counted them, and there were seventy steps.

Q. Had these steps been put into any gates at that time? A. No, sir, and had not been used.

Q. Were you present at a conversation between Mr. Shaunahan, Mr. Dutcher and myself? A. Yes, sir.

Q. Did Shaunahan state the number of steps he had ordered cast of Knickerbocker, Platt & Co., at Cohoes? A. Yes, sir, he stated them at 100.

Q. Did you make any investigation on other parts of the canal? A. I investigated at Utica, Booneville, Frankfort, Mohawk and Fultonville; the last is on section three of the Erie; there were twenty-two that were not used.

Q. With whom was that examination made? A. With George Ford, the boss carpenter on section three; it was made a few days be-

fore the meeting of this Board in March ; at Mohawk, they had two steps in two new gates ; at Utica the former superintendent told me—[objected to] ; at Black river I found one in the State house which Rexford sent there.

Cross-examination :

Q. Where were those seventy steps manufactured that you found ?
A. They were manufactured at — by Knickerbocker, Platt & Co. ; they were at the State house.

Q. Where were those twenty-two that you found at Fultonville ?
A. They were in the State house ; it is connected with the canal office ; these were manufactured at Fultonville by Mr. Wemple ; there were two at Mohawk.

Q. Were these two at Mohawk in possession of the State ? A. Yes, sir, and ready to put in.

Homer Rexford, recalled and further testified :

Q. How many steps did you supply to sections one and two of the Erie canal ? A. Twelve ; six to each section ; they were supplied in 1868.

Q. Are all of the steps in present use, in sections one, two, three and four of the Erie canal, used without your authority ? A. Yes, sir.

Q. How many were supplied by you to section one of the Champlain canal ? A. I didn't supply any.

Q. Have you ever authorized Knickerbocker, Platt & Co., or John Cantine & Co., or Edward Wemple to cast any steps for you ? A. No, sir, I have not.

Q. Nor given permission to any State officer to have any cast ? A. No, sir.

Cross-examination :

Q. Can you tell when you received the last payment for any royalty from the State, on this gate step ? A. I think it was four years ago this spring—in 1876.

Q. For what gates ? A. It was feeder gates on the Glens Falls feeder, and on section 2 of the Champlain canal.

Q. When did you receive any thing for steps on sections 1 and 2 of the Erie ? A. It was in 1868 I think.

Q. Have you ever received any payment since then ? A. No, sir.

Q. Any thing on section 1 of the Champlain canal ? A. No, sir, never received any thing since then.

By the SECRETARY OF STATE :

Q. Who paid this royalty ? A. The section superintendent.

By the COUNSEL FOR THE STATE :

Q. What was the amount of royalty you received ? A. Five dollars on each step.

Q. Have you ever parted with your interest in any territory in this patent ? A. No, sir.

Q. Did you ever assign any interest in it at all ? A. No, sir.

The counsel for the claimant offered in evidence for reference, Assembly document No. 6, for the year 1875 ; Assembly document, same number, for the year 1876 ; Assembly document, No. 45, for the year 1877 ; Assembly document No. 12, for the year 1878 ; report of the Superintendent of Public Works for the year 1879, page 54.

Alonzo B. Strong, sworn in behalf of the claimant and testified :

I have examined the legislative documents herein mentioned, and which state the number of new gates put in on section one of the Erie canal in each year.

In 1874 there were eighteen new gates put in ; in 1875 there were nineteen new gates put in ; in 1876 there were twenty-five new gates put in ; in 1877 there were forty-two new gates put in ; in 1878 there were eighteen new gates put in ; counting four gates to a lock, in the last year.

Testimony closed and case submitted for decision.

DEPARTMENT OF THE INTERIOR,
UNITED STATES PATENT OFFICE. }

To all Persons to whom these Presents shall come, Greeting :

This is to certify, that the annexed is a true copy from the records of this office of the letters patent granted Homer Rexford, dated April 28, 1868, No. 77405, for improved canal lock-gate step.

In testimony whereof, I, W. H. Doolittle, acting Commissioner of Patents, have caused the seal of the Patent Office to be hereunto affixed this twenty-fifth day of September, in the year of [L. s.] our Lord one thousand eight hundred and seventy-eight, and of the independence of the United States the one hundred and third.

W. H. DOOLITTLE.

No. 77,405.

THE UNITED STATES OF AMERICA.

To all to whom these letters patent shall come :

WHEREAS, Homer Rexford, of Sandy Hill, New York, has alleged that he has invented a new and useful improved canal lock-gate step, and has made oath that he is a citizen of the United States ; that he verily believes he is the original and first inventor or discoverer of the said invention, and that the same hath not to his knowledge and belief been previously known or used ; has paid into the treasury of the United States the sum of \$35, and presented a petition to the Commissioner of Patents, praying that a patent may be issued therefor.

• These are, therefore, to grant to the said Homer Rexford, his executors, administrators or assigns, for the term of seventeen years from the twenty-eighth day of April, one thousand eight hundred and sixty-

eight, the full and exclusive right and liberty of making, using and vending to others to be used, the said invention, a description whereof is given in the annexed schedule, and made a part of these presents.

In testimony whereof I have caused these letters to be made patent, and the seal of the Patent Office to be hereunto affixed.

Given under my hand at the city of Washington, this twenty-eighth day of April, in the year of our Lord one thousand eight hundred and sixty-eight, and of the independence of the United States of America the ninety-second.

W. T. OTTO,
Acting Secretary of the Interior.
 A. M. STOUT,
Acting Commissioner of Patents.

Countersigned and sealed with the seal of the Patent Office.

UNITED STATES PATENT OFFICE.

Homer Rexford of Sandy Hill, New York.

Letters Patent No. 77,405, dated April 28, 1868.

Improved Canal-Lock-Gate-Step.

The Schedule referred to in these Letters Patent, and making part of the same.

To all whom it may concern :

Be it known, that I, Homer Rexford, of Sandy Hill, Washington county, and State of New York, have invented a new and improved "Canal-Lock-Gate-Step;" and I do hereby declare the following is a full and exact description thereof, reference being had to the accompanying drawings, and to the letters of reference marked thereon.

The nature of my invention consists in connecting the step on which the gate rests and swings with the metallic box fitted in the heel-post of the gate, to rest upon the pivot of the step, which enters the socket of the box, in such a manner that the step will remain attached to said box when the gate is being put in its proper position, and when removed from its place by accident or design.

To enable others skilled in the art to make and use my invention, I will proceed to describe its construction. I make in the socket of the box, heretofore inserted in the lower end of the heel-post of the gate, an annular slot, at about one-third of the height of said socket, and of sufficient size for the "feather," herein described, to move in freely at all times; and from the lower end of said socket I make a vertical slot up into said annular slot, of sufficient size to receive said "feather," and allow it to pass into said annular slot.

Upon the side of the common pivot of the ordinary step, I make a "feather" of sufficient size to fit said vertical slot, and pass into said annular ring or slot, and there be made to revolve so freely that said box cannot, at any time, rest upon said "feather;" and, at the same time, the "feather" will be of sufficient strength to sustain the weight of the "step," in its connection with the "box," at all times.

In the accompanying drawings, B represents the "pivot," "feather" and "base," combined, forming the "step." A represents the "step" pivot; F represents the "feather;" C represents the vertical of the metallic "box;" E represents the annular slot in the socket of the box; D represents the vertical slot; G represents the socket of the "box;" J represents the heel-post of the gate with the "box" and "step" connected, and when in position.

Having thus made E and D in the socket of G, I fix the metallic box in the lower end of the heel-post of the gate, with D in the direction of the front of the heel-post of the gate, and then connect B with said box, by passing F on the pivot of the said step, through D, into E, and by a partial revolution of said step, sufficient to bring said "feather" opposite to D in said annular slot, the connection is completed, and said gate can be placed in position, or removed therefrom, without said "step" and "box" being disconnected; whereby much time, labor and expense are saved in shipping the lock-gate and in replacing it when it is removed from its proper position by accident or from other causes.

I do not claim the box and step now in use in connection with the support of canal-lock gates; but I claim the construction and arrangement of the step B, with its pivot A, and feather F, when combined with the metallic box C, constructed with its annular slot D, in the manner and for the purposes herein described.

Witnesses :

HOMER REXFORD.

MARTIN BURTON,
WILLIAM S. SAFFORD.

At a special meeting of the State Board of Audit, held at the office of the Secretary of State, on Tuesday, May 18, 1880 :

PRESENT—Joseph B. Carr, Secretary of State; James W. Wadsworth, Comptroller; Nathan D. Wendell, Treasurer.

No. 175.

In the Matter of the claim of Homer Rexford <i>agst.</i> The State of New York.
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Claim for infringement of patent; amount claimed, \$2,000.

The following resolution in relation to the above claim was offered and unanimously adopted :

WHEREAS, This claim having been heard by this Board and submitted; and

WHEREAS, It appearing that the claimant has a just and equitable demand against the State, but which, in the opinion of this Board, should be liquidated from the canal fund; therefore,

[Assem. Doc. No. 8.]

By order of the Board,
WM. H. STEVENS, *Clerk.*

No. 19.

PRESENT—James W. Wadsworth, Comptroller; Nathan D. Wendell, Treasurer—members of the Board.

No. 197.

In the Matter of the claim of Austin
A. Yates
agst.
The State of New York.

Claim for services as counselor at law in defense of John B. Yates, division engineer New York State canals; amount claimed, \$822.88.

CLAIMANT'S STATEMENT.

The State of New York, to Austin A. Yates, Counselor at law, Dr.

To professional services rendered in defense of John B. Yates, division engineer, New York State canals:

1875.

Sept. 7.	Under notice to appear before Canal Board, retaining fee.....	\$50 00
	Examined testimony before Canal Commissioners on laws, rules and regulations regarding contracts on canals and duties of engineers, three days at twenty dollars per day...	60 00
Sept. 14.	Appeared before Canal Board under notice of Sept. 7, to answer charges against client.....	20 00
	Expenses railroad fare and in Albany.....	3 68
Oct. 5-15.	Examining charges presented and preparing for defense, examining witnesses, advice and counsel.....	250 00

Oct. 13.	Argued against and defeated motion to summarily remove Engineer Yates, and preparation therefor.....	\$50 00
	Railroad fare and expenses in Albany.....	3 68
Oct. 16.	Prepared answer to charges.....	50 00
Oct. 18.	Appeared before Canal Board and presented answer to charges, one day.....	20 00
	Railroad fare and expenses in Albany.....	3 68
Oct. 19.	Attended trial of John B. Yates, Oct. 20, before Canal Board, occupying three days, including examination of canal bank and construction of work.....	300 00
	Railroad fare and three days' expenses.....	11 84
		\$822 89

Statement of Facts.

The canal commission established under the administration and by the executive influence of Governor Tilden, after many months of investigation, during which my client, Engineer Yates, acted under claimant's advisement, made a report on the basis of which Mr. Yates was suspended by the Canal Board, and charges intended in the first instance to include fraud and finally reduced to comprise neglect of duty only were preferred, and I was retained on his behalf.

The defense necessitated six weeks of almost incessant labor. The examination of the voluminous testimony before the canal commission, the study of precedents in canal management and contracts, the customs observed by the best engineers of the State, and the careful preparation of evidence.

The issues of the trial involved the whole future career of Engineer Yates. An adverse decision dismissing him in disgrace from his office would have been his ruin and his reinstatement was his complete vindication.

Under these circumstances, in view of the amount of labor involved, the time necessarily employed, and the seriousness of the issue and the fact that the result was entirely successful, the claimant expects to prove that the charges for the services are by no means unreasonable.

The witnesses to be examined on his behalf are: Col. Robert Furman, of Schenectady, N. Y.; Hon. Daniel Pratt, Syracuse; Hon. William A. Dorsheimer, New York; Hon. Nelson K. Hopkins; Hon. Thomas Raines; Hon. Adin Thayer; Hon. G. B. Miller; Mr. McDonough, West Troy; Stephen E. Babcock; Hon. H. Harris.

I shall also introduce in evidence proceedings of the Canal Commissioners, and proceedings of the Canal Board for 1875, pages 188-216, 255-256, 266-269, 294 to 384 inclusive, 384 to 403 inclusive, and 415.

This claim has never before been presented to any branch or office of the government.

STATE OF NEW YORK, }
Schenectady County, } ss.:

Austin A. Yates, being duly sworn, says, that the foregoing account and statement is true, that said account has not been paid or any part thereof, and that the services therein charged for have been actually rendered.

AUSTIN A. YATES.

Sworn before me, this 14th }
 March, 1880. }

CHAS. E. PALMER, *Notary Public.*

STATE BOARD OF AUDIT,
 OFFICE OF THE SECRETARY OF STATE, }
 ALBANY, July 14, 1880. }

Austin A. Yates

agt.

The State of New York.

Wm. B. Ruggles, First Deputy Attorney-General, Counsel for the State ; Austin A. Yates, Counsel for the Claimant, in person.

TESTIMONY.

Austin A. Yates, sworn in his own behalf, testified :

I am an attorney and counselor at law; have been such for over twenty-one years in the city of Schenectady, where I reside. I was retained by John B. Yates in charges presented against him before the Canal Board, in the month of September, 1875.

At the time of being retained, I had been engaged in the examination of testimony that theretofore had been adduced against him in proceedings before the Canal Commissioners for the investigation of alleged corruption in the management of the canals. At the time of the retainer, I charged, under date of September 7th, the sum of \$50, which, in my judgment, is a fair and the ordinary charge rendered by lawyers under like circumstances.

I examined the testimony on laws, rules and regulations in regard to contracts on canals and duties of engineers for three days, and was engaged mostly in the night, for I had to hurry. I charged for that \$60. It is fairly worth \$20 per day. I appeared before the Canal Board September 14th to answer charges and to learn what there was to attend to. I charged \$20, and my expenses for railroad fare was \$3.68. From that time until October 5th to 15th I was engaged in examining the charges against my client and preparing for defense, examining the witnesses, advising and counseling with my client, hunting up his testimony and preparing a defense. For that I charged \$25 per day; total, \$250.

On the 13th of October a motion was made by Governor Dorsheimer to remove him summarily from his position without trial. I argued against and defeated that, and for such services I charged \$50. It is worth it. My railroad fare and expenses was \$3.68 on that occasion.

I prepared answers to charges, for which I charged \$50.

I appeared before the Canal Board October 18th, and presented the answer to the charges, one day's attendance, for which I charged \$20; railroad fare and expenses, \$3.68.

I attended the trial October 19th, 20th and 21st before the Canal Board; I went along the canal with the Canal Board and examined the work; I examined witnesses, including my client; I tried the case occupying three days, for which I charged \$300; railroad fare and three days' expenses was \$11.84.

I have never been paid any thing for my services; I have never made any claim against any other department in this matter.

Cross-examination :

Q. Your actual services in this case after being engaged extended from the 7th of September to the 21st of October? A. I would not say that my actual services in this case extended only that length of time; I had expected it to come, and had labored upon it before that.

Q. When were you retained? A. I was retained to appear under these charges on September 7th.

Q. Then your examination was before any retainer? A. Yes, sir.

Q. Under this retainer your services were from September 7 to October 21? A. Yes, sir.

Q. This first charge of \$50 includes compensation for your examination and preparation to take hold of this case before the retainer?

A. No, sir.

Q. It does not include any thing before that? A. No, sir; it is the usual retaining fee that I ask when the client comes in to engage my services.

Q. The next charge was for three days subsequent to the day of retainer for examining the testimony before the Canal Commissioners on laws, rules, etc., \$60? A. Yes, sir.

Q. October 5 to 15, examining charges presented, and preparing for defense; examining witnesses, advice and counsel, \$250; what did that service consist of? A. The charges were presented by the Attorney-General under the instructions of the Board; they were very long, and required and involved a great deal of close examination; they were charges presented both against my client and the resident engineer, and it involved an examination of charges against both of them; I went to canal men, superintendents and others, engineers upon the canal, and made myself familiar with the line of defense that I should seek to establish, and these are the services; I was engaged in that ten days fully; I charged \$25 per day for that.

Q. Is that your usual charge for services of that kind, generally? A. For clients that are able to pay it is right; yes, sir.

Q. Do you remember, during that year, any other client than this, that you charged at the rate of \$25 per day for examining witnesses and preparing for trial? A. I think I could if you give me a little

time; I cannot now remember; I think I could show from my books; I don't think I had a case of equal importance.

Q. What was the salary of your client? A. John B. Yates, salary was \$2,500 per year; he is my brother.

Q. That made you feel more interested in the case than you would otherwise have felt? A. Yes, sir; I think that had weight.

Q. And possibly made it appear to you to be a more important case than the case of somebody else? A. Yes, sir; it appeared to be a more important case than that of somebody else.

Q. "October 19, 20 and 21, three days attending trial of John B. Yates before the Canal Board, including the examination of canal bank in the construction of the work, \$100 per day, \$300." Is that your usual charge for trying a case? A. Yes, sir, of that importance.

Q. After charging at the rate of \$20 to \$25 per day for preparing? A. Yes, sir, a case of that importance and weight, I want \$100 per day.

Q. Do you remember any other case within two or three years past where you have charged \$100 per day? A. Yes, sir; I think I do; I had a divorce case in which I charged \$100 per day, and I got my money.

Q. You were engaged by Mr. Yates, your brother, to take care of this case for him? A. Yes, sir; I have not charged for any sympathy which I might have in the case.

Q. But anxiety for your brother's welfare may have entered into the case as an element? A. That may be so. The responsibility put a greater value upon the services; the consequences which would occur upon a conviction would be the ruin of his reputation for life, and the charge of \$800 to preserve that reputation and restore him to position was not any too much.

Samuel Hand, sworn for the plaintiff, testified:

I am an attorney and counselor at law; I reside and practice in the city of Albany.

Q. Have you seen this bill? A. I looked over a schedule which you showed me last week; I have heard the claimant's testimony.

Q. Give your estimate for these services: "under notice to appear before Canal Board, retaining fee, \$50;" what do you say to that? A. I think it is reasonable.

Q. "Examining testimony before Canal Commissioners on the laws, rules and regulations regarding the contracts on canal and duties of engineers, three days at \$20 per day;" how is that charge? A. That is a very moderate charge, assuming that you were actually engaged.

Q. Appearing before the Canal Board to answer charges; appeared on that day, and heard the charges, \$20? A. That is moderate.

Q. Examining the charges presented and preparing the defense, examining witnesses, advice and counsel; I charged for that \$25 per day, ten days? A. Twenty-five dollars a day for a counselor of established reputation is a very small charge, assuming that he is actually engaged.

Q. I defeated a motion to summarily remove my client from his office, and charged for that \$50? A. I should think that was a very moderate charge; I heard from the Attorney-General about your effort, and I should say it was moderate.

Q. Preparing answer to the charges, \$50? A. I don't know about that; I should say that was a little high; I should say that it was the attorney's business to draw the answer; what the services would be worth I could not say, but I would not exceed the amount the statute allows for drawing an answer, about \$15.

Q. Appearing before the Canal Board and presenting answer to charges, one day, \$20? A. That is moderate.

Q. Attending the trial before the Canal Board occupying three days, including examination of canal bank and construction of work, \$300? A. That is a charge which is entirely permissible for a lawyer of fair standing; counsel actually engaged in the disposal of a case; one hundred dollars per day is, in my judgment, fair.

Cross-examination:

Q. You form your estimate of these charges by about what you charge in your own office? A. No, sir, not entirely; there is no fixed rule in reference to charges of counsel.

Q. Generally charge what you think can be got? A. Yes, sir; the reputation of a counselor at the bar puts him in a position where he can charge what his services are worth, according to his best judgment; I do not think you could have got Wm. M. Evarts of New York, to furnish these services for less than \$2,500, and I should not have done it for less than \$600.

Q. That charge of \$600 would include some preliminary preparation for trial? A. Yes, sir; I take into view the fact that he had already charged for preparation, when he charged \$100 per day; the charges lawyers make depend upon three things, the importance of the case, the standing and reputation of the lawyer, and the amount of labor; there is no criterion known in regard to the rate of charges; my charge for services such as are described by Mr. Yates would be considerably larger than his charge.

The counsel for the State objected to the allowance of this claim on the ground that there is no authority of law by which State officials charged with misconduct can, in their defense, employ counsel at the expense of the State. That this is a claim against the client and not against the State.

Evidence closed and case submitted for decision.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, on Thursday, August 12, 1880:

PRESENT — Joseph B. Carr, Secretary of State; James W. Wadsworth, Comptroller; Nathan D. Wendell, Treasurer.

On motion, it is ordered that the claim of Austin A. Yates be disallowed.

No. 20.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, June 9, 1880 :

PRESENT — James W. Wadsworth, Comptroller ; Nathan D. Wendell, Treasurer.

William B. Ruggles, First Deputy Attorney-General, Counsel for the State.

In the Matter of the Application of the county of Monroe to settle certain differences growing out of the deficiency tax of 1872, collected by George N. Deming, late treasurer of said county.

Application for release of further liability to the State, on account of the general fund and deficiency tax of 1872, after paying into the treasury the sum of \$31,518.52.

STATEMENT OF THE PETITIONER :

To the State Board of Audit :

The petition of the county of Monroe, by Jerome Keyes, Patrick Malone and Phillip Garbutt, committee of the board of supervisors of said county, respectfully shows :

That the authority to hear and adjust the differences between the county of Monroe and the State is conferred upon this board by an act of the Legislature, of which the following is a copy :

CHAP. 83.

AN ACT to authorize and empower the State Board of Audit to adjust and settle certain differences existing between the State and the county of Monroe.

PASSED March 27, 1880 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The State Board of Audit is hereby authorized and empowered to adjust and settle the differences existing between the State and the county of Monroe, growing out of the canal and general fund deficiency tax of eighteen hundred and seventy-two, collected by George N. Deming, late treasurer of Monroe county, in said county, upon such terms as shall, in their judgment, be just and equitable.

§ 2. This act shall take effect immediately.

That George N. Deming held the office of treasurer of the county of Monroe two terms, viz. : From Oct. 1867 to Oct. 1873 ; that upon undertaking to perform the duties of his office the first term he gave a bond to the State with the following named persons as sureties, viz. : D. C. Ellis, Fred. Goetzman, W. S. Osgood, W. D. Oviat and Thomas Leighton.

That the sureties appearing upon the bond given to the State for the second term were Milton Olcott, Robert Ray, Thomas Leighton, W. H. Gosline, R. G. Benton, Phillip J. Meyers and W. S. Osgood.

That Joseph Williams, D. D. S. Brown, James D. Williams, C. DeWitt, Lyman M. Otis, Isaac H. Sutherland, Wm. G. Lacy and D. C.

Ellis, among others, were the sureties on a bond given by said treasurer to the county of Monroe.

That said treasurer reported to the board of supervisors that there remained in his hands in October, 1872, the sum of \$123,300.45.

That there remained in his hands, due the State at the close of his term of office, October 6th, 1873, the sum of \$138,411.67, as appears by the books of account in said treasurer's office.

That subsequently, said treasurer paid to Mr. Achilles, his successor in office, the sum of \$76,158.84, which sum was paid to the State by said Achilles, leaving a balance at that time due the State of \$62,252.83 as a principal sum.

That after demand and refusal to pay to the State said balance, the Comptroller authorized the Attorney-General to commence an action against the sureties on the bond given to the State.

That afterward on the day of , an action was commenced in the Supreme Court by the Attorney-General, on behalf of the State, against said sureties.

That such proceedings were had therein, that afterward and on the 16th day of June, 1875, at a special term of the Supreme Court held at the court-house, in the city of Rochester and county of Monroe, before Hon. D. Rumsey, one of the justices of said court, a motion was made for an order of reference, of which the following is a copy :

The People of the State of New York

agst.

George N. Deming and others.

On reading and filing the pleading and bill of particulars in the above action, and after hearing D. Pratt, Attorney-General, for plaintiff, and G. F. Danforth and George Raines, Esqs., attorneys for the defendants :

Ordered, that the above action be referred to Hon. Hiram Gray, to hear and determine the same and report to this court.

(Copy.)

E. A. FROST, *Clerk.*

Your petitioner has no knowledge that any further proceedings were had in said action other than the granting of the order and the appointment of the referee as aforesaid.

That afterward and on the day of , upon the authority of the Comptroller an action was commenced in the Supreme Court by the county of Monroe against the sureties upon the county bond.

That such proceedings were had that afterward and on the day of , a judgment was obtained in favor of the plaintiff and against the defendants for the sum of \$, damages and \$, costs.

That thereafter and on or about day of , certain negotiations were entered into by and between said sureties upon the county bond, being then judgment debtors, and the board of supervisors acting for said county of Monroe, for settlement of the litigation, and for satisfaction to plaintiff and discharge of the sureties.

That said defendants offered and said plaintiff agreed to, and did accept the sum of \$31,518.52 less expense of litigation, in full settlement and discharge of the then existing liability on the part of the said defendants.

That said sum of \$31,518.52 is now in the possession of the present county treasurer of Monroe county to the credit of the George N. Deming deficit fund.

And your petitioners further say to sustain them in the position that forbearance should be exercised by the State toward the county of Monroe, and that settlement should be made of these matters in difference upon the basis as hereinafter set forth, that the State officers are not without fault in that they did not resort to the remedy provided by law in cases of default to pay over at the time prescribed, and compel said treasurer to pay to the State the amount collected by him.

That it appears by an investigation of the accounts of said treasurer that nearly all of said tax was collected by him before the first day of May in the year 1873.

That, at that time, Deming was solvent and could have paid the amount.

Your petitioners therefore respectfully ask forbearance and release by this Board of the amount of any deficiency which may be due to the State from said county of Monroe, after paying into the State treasury the amount now remaining to the credit of the George N. Deming deficit fund, and that said county of Monroe may be permitted to pay said sum of \$31,518.52 with accrued interest in satisfaction and discharge of any other, or further liability which said county may have incurred on account of the canal and general fund deficiency tax of 1872; and that under the authority vested in this Board pursuant to the provisions of the act hereinbefore mentioned that said differences may be adjusted upon the basis of this application, and decision rendered accordingly.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, on Wednesday, October 13, 1880:

PRESENT — Joseph B. Carr, Secretary of State; James W. Wadsworth, Comptroller; Nathan D. Wendell, Treasurer.

William B. Ruggles, First Deputy Attorney-General, Counsel for the State.

In the Matter of the application of the county of Monroe to settle certain differences existing between the State and said county, growing out of the deficiency tax of 1872, collected by George N. Deming, late treasurer of said county.

Upon a statement of facts as presented by Jerome Keyes, Patrick Malone and Phillip Garbut, appearing in behalf of the petitioner, the First Deputy Attorney-General appearing for the State, this matter is submitted for decision.

The following resolution was offered and unanimously adopted.

WHEREAS, Authority having been granted to this Board, pursuant to chapter 83 of the Laws of 1880, to adjust and settle the differences

existing between the State and the county of Monroe, growing out of the canal and general fund deficiency tax of 1872; and

WHEREAS, It appearing to this Board that no other adjustment than as contained in the proposition of said county of Monroe is practicable, or likely to be obtained: Now, therefore, it is

Resolved and adjudged by this Board, that the proposition of said county of Monroe should be accepted, and that upon payment to the Comptroller of the sum of thirty-one thousand five hundred and eighteen dollars and fifty-two cents (\$31,518.52) with accrued interest to date of payment, being the amount now remaining to the credit of the George N. Deming deficit fund, said county of Monroe be discharged from all or further liability to the State on account of the canal and general fund deficiency tax of 1872.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, on Wednesday, November 10, 1880:

PRESENT—Joseph B. Carr, Secretary of State; James W. Wadsworth, Comptroller; Nathan D. Wendell, Treasurer.

Wm. B. Ruggles, First Deputy Attorney-General, Counsel for the State.

The following communication was received from the treasurer of Monroe county:

“MONROE COUNTY, TREASURER’S OFFICE, }
ROCHESTER, N. Y., Nov. 8, 1880. }

I hereby certify that the books of this office show that the following amounts have been paid in to the credit of George N. Deming’s deficit, by his bondsmen, which comprises all the money received by this county on that account:

Dec. 11, 1875.	Cash	\$7,485 76
Dec. 16, 1875.	do	341 12
Feb. 1, 1877.	do	23,331 64
		\$31,518 52

A. McVEAN,
Treasurer, Monroe county.”

Ordered, that the interest on the amount of \$31,518.52, which by the terms of the decision of this Board made at the October term was accepted, with accrued interest, in discharge of the liability of said petitioner to the State, be and the same is hereby declared to be taken from the dates and upon the sums as follows:

Interest on \$8,186.88, from Dec. 11th, 1875, to Nov. 15th, 1880, at six per cent.....	\$2,419 22
Interest on \$23,331.64, from Feb. 1st, 1877, to Nov. 15th, 1880, at six per cent.....	5,307 95
Total interest.....	\$7,727 17
Principal sum.....	31,518 52
Total principal and interest.....	<u>\$39,245 69</u>

Ordered, that clerk transmit statement to petitioner.

W. H. STEVENS, *Clerk.*

No. 21.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, Wednesday, October 13, 1880:

PRESENT—Joseph B. Carr, Secretary of State; James W. Wadsworth, Comptroller; Nathan D. Wendell, Treasurer.

No. 204.

In the Matter of the claim of Weed, Parsons & Co. <i>agst.</i> The State of New York.	}
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Claim for printing 2,200 copies of the New York Civil List, pursuant to concurrent resolution of the Legislature; amount claimed, \$5,500.

CLAIMANT'S STATEMENT.

STATE OF NEW YORK, }
Albany City and County, } ss.:

George Dawson, being duly sworn, says that he is one of the firm of Weed, Parsons & Co., who are engaged in the printing and publishing business in said city; that the said firm was duly employed and charged to execute the printing ordered and mentioned in the concurrent resolution of the Legislature, of which the following is a copy:

STATE OF NEW YORK, }
IN ASSEMBLY, ALBANY, May 10th, 1880. }

Resolved (if the Senate concur), that there be printed for each member of this Legislature ten copies of the new Civil List, and also one

copy for each officer and reporter of the Senate and Assembly, the price of the same not to exceed two dollars and fifty cents per copy.

By order,

EDW'D M. JOHNSON, *Clerk.*
B.

Concurred in.

IN SENATE, May 14, 1880.

By order,

JOHN W. VROOMAN, *Clerk.*

That the number of copies of the New York Civil List required by said resolution was certified to said firm by the Secretary of State, as follows:

STATE OF NEW YORK,
OFFICE OF THE SECRETARY OF STATE, }
ALBANY, May 20, 1880.

GENTLEMEN — You will deliver to this office 2,200 copies of the Civil List under resolution of Legislature of 1880. Passed Assembly, May 10, Senate, May 14, 1880.

ANSON S. WOOD,

Messrs. WEED, PARSONS & Co.

Dep. Sec'y State.

That said firm printed and bound the number of copies of the New York Civil List required by said resolution and certificate, namely, 2,200, and delivered the same to the Secretary of State. That the State is indebted to the said firm for the same and such work in the sum of \$5,500.

And this deponent further says, that the nature of the proofs upon which said firm relies to support said claim is the resolution and certificate hereinbefore referred to, and the testimony of John D. Parsons, Jr., of the city of Albany, that the said work was done, performed, and the number of copies required were duly delivered under the direction of the officers of the State and chairmen of legislative committees for whom said work was done, and their certificates acknowledging the performance of said work, and the receipts of the delivery thereof.

And this deponent further says, that the claim hereinbefore referred to has never been presented to any branch or officer of the government.

And this deponent further says, that said printing and work is not covered by the contract for legislative printing.

Sworn before me, this 4th }
day of October, 1880. }

GEO. DAWSON.

FLETCHER VOSBURGH,

Notary Public, Albany Co., N. Y.

OFFICE OF THE SECRETARY OF STATE, }
 ALBANY, N. Y., Oct. 13, 1880. }

No. 204.

In the Matter of the claim of Weed, Parsons & Co. <i>agst.</i> The State of New York.
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Wm. B. Ruggles, First Deputy Attorney-General, Counsel for the State; Hamilton Harris, Counsel for the Claimant.

TESTIMONY.

John D. Parsons, Jr., sworn for the claimant, testified :

I am connected with the firm of Weed, Parsons & Co., of this city.

Q. Was that firm charged with the execution of the resolution requiring the Civil List to be printed, passed May 10, 1880, of which this is a copy? A. Yes, sir.

Q. (Presenting resolution.) This is a copy of the resolution? A. Yes, sir.

A certified copy of the concurrent resolution passed by the Assembly May 10, and by the Senate May 14, 1880, was offered in evidence by the counsel for the claimant. The same was received, and marked Exhibit "A." Hereto annexed.

Q. Was the number of copies to be printed under that resolution fixed by the Secretary of State? A. Yes, sir.

Q. And by a writing delivered to the firm? A. Yes, sir.

Q. Is that the order? A. Yes, sir.

Order dated May 22, 1880, requiring 2,200 copies, offered and received in evidence.

Q. Is that the bill for the amount? A. Yes, sir.

Q. Charged at what price? A. At \$2.50, the price named in the resolution.

Q. Was the printing and binding of these books, in value, of that amount? A. Yes, sir.

Q. A fair value of the work was that amount? A. Yes, sir.

Cross-examination :

Q. What is the size of the book called the Civil List? A. It is an octavo book.

Q. What type is it, in general? A. There is a number of different styles of type in the book, nonpareil and brevier, some of it, four columns on a page; a large proportion of it is nonpareil; there is a suitable quantity of small pica; there is 554 pages in the book; the book is bound in green skiver; we buy it colored; the whole edition was bound in that way that was furnished the Secretary of State.

Q. The resolution fixes the price at \$2.50, not to exceed that? A. Yes, sir.

Q. Was that a fair price for the work and material? A. I should consider it so; yes, sir.

Q. Did you print the previous edition of the Civil List? A. Yes, sir; I think it was printed last year; this is a different book entirely; the other Civil List, last year, was a smaller sized book.

Q. None of the plates in that edition were used in this? A. No, sir.

Q. Have you been paid for the printing of the other edition? A. The Board of Audit has passed the claim at \$2 a copy for the old book; this edition contains much more matter than the former; the other edition was a small octavo, and this edition is the regular octavo size; the regular octavo size is 24x38 inches paper; this edition is entirely new; we had to set it up, all new.

Evidence closed and case submitted for decision.

On motion, it is ordered that the claim of Weed, Parsons & Co. for printing 2,200 copies of the New York Civil List be allowed at the sum of \$5,500.

EXHIBIT "A."

RESOLUTION.

STATE OF NEW YORK,
IN ASSEMBLY, ALBANY, *May 10, 1880.* }

Resolved (if the Senate concur), That there be printed for each member of this Legislature, ten copies of the new Civil List, and also one copy for each officer and reporter of the Senate and Assembly, the price of the same not to exceed two dollars and fifty cents per copy.

By order,

EDW'D M. JOHNSON, *Clerk.*

IN SENATE, *May 14, 1880.*

Concurred in.

By order,

JOHN W. VROOMAN, *Clerk.*
B.

CERTIFICATE.

STATE OF NEW YORK,
OFFICE OF THE SECRETARY OF STATE, }
ALBANY, *May 20, 1880.* }

GENTLEMEN — You will deliver to this office 2,200 copies of the Civil List under resolution of Legislature of 1880, passed Assembly, May 10, Senate, May 14, 1880.

ANSON S. WOOD,

Deputy Secretary of State.

Messrs. WEED, PARSONS & Co.

STATEMENT OF ACCOUNT.

State of New York to Weed, Parsons & Co., Dr.:

1880.
 Oct. 4. To 2,200 copies New York Civil List, furnished pursuant to concurrent resolution of the Legislature, passed May 10, 1880, at \$2.50. \$5,500 00

The number of copies of the Civil list above charged have been delivered to the Secretary of State.

ALBANY, Oct. 19, 1880.

ANSON S. WOOD,
Deputy Secretary of State.

No. 22.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, Wednesday, October 13, 1880:

PRESENT—Joseph B. Carr, Secretary of State; James W. Wadsworth, Comptroller; Nathan D. Wendell, Treasurer.

No. 205.

In the Matter of the claim of Weed, Parsons & Co. <i>agst.</i> The State of New York.
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Claim for printing 12,500 copies of the Election Code, pursuant to concurrent resolution of the Legislature; amount claimed, \$3,848.75.

CLAIMANT'S STATEMENT.

Concurrent Resolution authorizing the Secretary of State to compile, publish and distribute the election laws of the State:

Resolved (if the Assembly concur), That the Secretary of State be and he is hereby authorized and directed to cause the election laws now in force in this State, or which may become laws at this session of the Legislature, to be compiled and published in pamphlet form, with such notes, explanations, forms and instructions as in his opinion may be necessary; and that he cause the same, when published, to be distributed, through the several county clerks, in sufficient number to supply a copy to each of the several town clerks and inspectors of election in this State; and that the same be so distributed on or before October first, eighteen hundred and eighty.

STATE OF NEW YORK:

IN SENATE, May 25, 1880.

The above resolution was duly passed.
 By order of the Senate.

JOHN W. VROOMAN,
Clerk.

STATE OF NEW YORK:

IN ASSEMBLY, May 27, 1880.

The above resolution was duly passed.
 By order of the Assembly.

EDWARD M. JOHNSON,
Clerk.

STATEMENT OF ACCOUNT, AND CERTIFICATE.

1880.

Oct. 5. To 12,500 copies Election Code of the State of New York, bound in paper covers.....	\$3,750 00
Reprinting one signature of sixteen pages, 10,000 copies.....	75 75
Doing up 500 copies in wrappers for mailing.....	5 00
	\$3,850 75
By deduction.....	5 00
	\$3,845 75

It is hereby certified that the work charged above has been actually performed and the copies charged have been actually delivered at this office on order of the Secretary of State.

SECRETARY OF STATE'S OFFICE,
ALBANY, N. Y., Oct. 7, 1880.

ANSON S. WOOD,
Deputy Secretary of State.

OFFICE OF THE SECRETARY OF STATE, }
ALBANY, N. Y., October 13, 1880. }

No. 204.

In the Matter of the claim of Weed,
Parsons & Co.

agst.

The State of New York.

William B. Ruggles, First Deputy Attorney-General, Counsel for State; Hamilton Harris, Counsel for Claimants.

TESTIMONY.

John D. Parsons, Jr., sworn in behalf of claimants, testified :

Q. Was the firm of Weed, Parsons & Co. charged with the execution of the resolution of the Senate passed May 25th and concurred in by the Assembly May 27th, of which that is a copy? A. Yes, sir.

Q. Was the number of copies of that Code fixed by the Secretary of State? A. Yes, sir.

Q. Did they print the number of copies so fixed? A. Yes, sir.

Q. Is that the certificate of the Secretary of State of those fixed? A. Yes, sir.

Q. In regard to the charge of doing the work, what do you say about that? A. That I consider a proper charge; fair and reasonable for the work.

Cross-examination :

Q. (Showing copy of Election Code.) How many pages is there in that book ? A. There are 360, and it is bound in paper.

Q. What type is that Election Code printed in ? A. That is set in small pica, except the index and resolution in front.

Q. How do you get at the amount charged for that book ? A. We measure the number of ems in the book, and charge for the composition ; we calculate the amount of paper that it requires for the edition and charge that, and the press-work separate.

Q. Do you know how much composition there is in it ? A. I do know, but I neglected to bring the memorandum up.

Q. What rate per thousand ems ? A. Ninety-five cents for the composition and stereotyping.

Q. On whose account did you stereotype ? A. So large an edition we had to run through the press two or three times, for the reason that we could not hold the type until they got through the entire book ; we could not put it in press until Mr. Wade had pronounced it correct ; we could not spare type sufficient to set the entire book and we had to stereotype it.

Q. Did you include in your charge against the State the expense of stereotyping ? A. Yes, sir.

Q. You consider you own the stereotype plates ? A. The State owns them, and they can have them if they want them.

Q. Suppose the Secretary of State orders 5,000 or 6,000 more this year, in what way would you charge ? A. We would allow for the composition.

Q. You charge ninety-five cents per thousand ems ? A. Yes, sir ; that is my recollection.

Q. What do you have to pay for composition ? A. We pay various prices ; we pay our men by the week.

Q. What is the current rate of plain composition in Albany ? A. Thirty-five cents for day work, but that does not cover the expense of proof reading and corrections.

Q. Do you include the proof reading in your ninety-five cents estimate ? A. Yes, sir ; that covers all charges.

Q. How much per thousand additional would the proof reading involve ? A. The proof reading we calculate at ten or twelve cents per thousand ; the proof is to be read at least three times.

Q. How many thousand ems in one of these pages ? A. With the side notes about 2,000 ems on a page ; I think it would average more than that, but the expense of the reading is not all the expense ; paper is to be consumed in taking proof.

Q. How much paper is consumed in this book ? A. In this book perhaps it was not a great deal, but I should think they might have used up fifteen or twenty dollars' worth of paper in printing that book.

Q. How much does the paper cost a ream ? A. I think it is worth \$5 or \$5.25, but that is not the paper the book is proved by ; I think there must be two or three reams of paper used up in proving this book ; that is a mere estimate though ; we calculate about ten cents per thousand ems for proof reading ; the compositor has to correct his proof to make it conform to the copy after the first proof is read.

Q. The balance of that ninety-five cents is profit? A. No, sir, we have got to stereotype it.

Q. How much does it cost to stereotype it? A. It is worth about forty cents, thirty-five or forty cents per thousand; that is what we calculate to charge.

Q. How much does it cost you to stereotype? A. I could not tell exactly what it does cost to stereotype; I never made any calculation of what the cost of an electrottype plate would be; the weight of metal and labor upon it; we calculate to charge about forty cents per thousand for electrotyping; we do all our work by electrotyping; we do not do stereotyping; the stereotype plate is made from a plaster mould, while the electrottype plate is made from wax, and the mould is backed up with electrottype metal.

Q. What is the expense of paper per ream that you put in the Election Code? A. It is worth about \$5.25 per ream.

Q. Tell how many reams there is in the book? A. It took about 300 reams of paper.

Evidence closed and case submitted for decision.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, December 8, 1880 :

PRESENT — Joseph B. Carr, Secretary of State; James W. Wadsworth, Comptroller; Nathan D. Wendell, Treasurer.

No. 205.

In the Matter of the claim of Weed, Parsons & Co. <i>agst.</i> The State of New York.	}
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On motion, ordered that the claim of Weed, Parsons & Co., for printing the Election Code of 1880, be allowed at the sum of twenty-five hundred dollars (\$2,500.)

No. 23.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, Wednesday, September 8, 1880 :

PRESENT — Joseph B. Carr, Secretary of State; James W. Wadsworth, Comptroller; Nathan D. Wendell, Treasurer.

No. 74.

In the Matter of the claim of the Bank of Monroe <i>agst.</i> The State of New York.	}
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Claim for payment of Canal Commissioners' certificate; amount claimed, \$16,000.

CLAIMANT'S STATEMENT.

To the State Board of Audit:

The Bank of Monroe, a banking corporation of Rochester, N. Y., presents its claim against the State of New York and states as the grounds of its claim that on February 10, 1875, James Jackson, Jr., Canal Commissioner of the State, duly issued his certificate in the usual form on the Auditor of the Canal Department, numbered 184, by which he certified that \$16,000 was due L. J. Bennett, assignee, under an award made by the Board of Canal Commissioners, December 8, 1874; that this certificate was in the usual form of such certificates and had the usual duplicate receipt attached; that on April 8, 1875, one John Kiley applied to the Bank of Monroe for a loan of \$15,000 and produced such certificate to Mr. Seward, the cashier of the bank, duly indorsed by L. J. Bennett, assignee, with a power of attorney in blank signed by him to collect the same; that the Bank of Monroe had for years been in the habit of buying such certificates and advancing money thereon; that such certificate being regular in form and the bank and its officers having no knowledge of any question as to the validity of the same, in good faith and upon the credit of such certificate lent to Kiley on that day \$15,000 and took his note for that amount, payable in three months, and also an assignment of the certificate; that when the assignment of the certificate was so taken, the cashier of the bank, who was the officer that negotiated the transaction, expected the draft would be paid by the State within three months in conformity with the usual practice; that Kiley's note was not paid when it became due, and thereupon the title of the bank to the certificate became absolute; that nothing has ever been paid by Kiley on his note and he is irresponsible and nothing can be collected of him, and the loan was made solely on the credit of the certificate of the State and not on the credit of Kiley; that the transaction was entirely in good faith on the part of the bank and its officers and in the ordinary course of its business and of other banks in dealing with these certificates of the State.

The proofs upon which the bank will rely will be the certificate of the State, the receipt and assignment attached and the evidence of Mr. William R. Seward, of Rochester, its cashier, who was the officer that had sole charge of the transaction.

This claim has never before been presented to any branch or officer of the State government, except on January 24, 1878, it was presented at the office of the Auditor of the Canal Department, and the deputy in charge declined to issue a warrant for it, on the ground that there was no money appropriated against which he could draw a warrant.

Your claimant therefore asks that the Board of Audit will allow it the sum of sixteen thousand dollars, with interest thereon from the time from which by law interest should be allowed on such certificate, being the amount which equitably should be paid by the State to the bank of Monroe.

THE BANK OF MONROE,

By J. B. PERKINS, its Attorney.

ROCHESTER, January 25, 1878.

MONROE COUNTY, ss:

I, William R. Seward, being sworn, say, I am the cashier of the Bank of Monroe, and am familiar with the facts stated in the above

petition, and that the petition is in all respects true to the best of my belief.

W. R. SEWARD.

Sworn to before me, this 25th }
day of January, 1878. }

H. A. CRONISE, *Commissioner of Deeds.*

STATE BOARD OF AUDIT,
OFFICE OF THE SECRETARY OF STATE, }
ALBANY, September 8, 1880. }

In the Matter of the claim of the Bank
of Monroe
agst.
The State of New York.

J. B. Perkins, for the Claimant; Wm. B. Ruggles, First Deputy Attorney-General, for the State.

TESTIMONY.

[William R. Seward, sworn for the claimant, testified:

I live in the city of Rochester, and have all my life; I am the cashier of the Bank of Monroe, and have been since its organization in 1867; I was cashier of the Farmers and Mechanics' Bank for ten years.

Q. Since 1867 have you been the financial officer of the Bank of Monroe? A. Yes, sir, from 1867 to 1878.

Q. Have you at any time purchased or advanced money upon certificates of award of the State of New York? A. Yes, sir, for very large amounts, and from time to time.

Q. Give an estimate of the amount that you have purchased or advanced money upon since 1867? A. There was several hundred thousand dollars directly and indirectly.

Q. Had you ever advanced money upon these certificates when you was in the Farmers and Mechanics' Bank? A. Yes, sir, during the enlargement of the canal; we chanced to have a very large amount, and we advanced a large amount, between twenty-five and fifty thousand dollars.

Q. During the spring of 1875, did you purchase any certificate of award? A. Yes, sir, several thousand dollars' worth of those ice-house awards.

Q. (Showing certificate under which the claimant's claim is made.) Was that certificate at any time presented to you? A. Yes, sir, that is the certificate.

Q. When was it presented to you? A. On the 8th of April, 1875, by John Kiley.

Q. Had you ever seen it before that time? A. I think not.

Q. Did he ask for discount upon it? A. Yes, sir, one of the directors came to me about the matter; we discounted Mr. Kiley's note for \$15,000.

Q. (Showing note.) Is that the note that you discounted? A. Yes, sir.

Q. Did you let him have the money? A. Yes, sir.

Q. (Showing draft.) Is that the draft issued? A. Yes, sir.

Q. At that time was the certificate given to you? A. Yes, sir, it was assigned to me, and the assignment is in blank.

The counsel for the claimant offered the certificate, assignment, note and draft in evidence.

Received and marked Exhibit "A." W. H. S., Sept. 8, 1880. Hereto annexed.

Q. Was that the end of the transaction? A. Yes, sir.

Q. Was Kiley's note of \$15,000 ever paid? A. No, sir.

Q. Was it renewed? A. Yes, sir, renewed.

Q. He paid nothing on it? A. No, sir.

Q. You acquired title to the certificate for the reason of his non-payment of the note? A. Yes, sir.

Q. What was Kiley's responsibility at that time? A. I thought he was good for any small engagement, to the extent of ten or fifteen hundred dollars; would put it as high as \$2,000. Kiley didn't pay any thing on that note at that time, and I never obtained any payment upon it. I discounted the note wholly upon the credit of the certificate of the State. The discount was made in the ordinary course of business.

Q. Did you know for what award it was issued? A. No, sir.

Q. Did you know the parties interested in the award? A. No, sir.

Q. Did you know what interest Mr. Kiley had in it? A. No, sir.

Q. Did you know that he was connected with George D. Lord at that time? A. I think not.

Q. Have you any other security for this \$15,000, except this certificate of award? A. No, sir, none of any sort.

Q. Did you have any conversation at any time with George Lord or Jarvis Lord in reference to discounting this certificate? A. No, sir, never a word.

Q. Did you consult Jarvis Lord in reference to the business of the bank? A. Yes, sir, when he was there. At this time he was a member of the Legislature.

Q. Did you, at any time, consult him in reference to this certificate? A. No, sir.

Q. Was Mr. George D. Lord, at any time, a stockholder or officer of the Bank of Monroe? A. No, sir, he never held any stock, or never was an officer in any way.

Q. This certificate was afterward presented to the Auditor of the Canal Department, and payment was refused? A. Yes, sir.

Q. Had you ever had any knowledge of John Hand? A. No, sir.

Q. Or Louis J. Bennett? A. No, sir.

Q. You know nothing about their relations to the State? A. No, sir.

Q. Had you, at any time, any knowledge in reference to any award made to Hand at that time? A. No, sir.

Q. Was the certificate in the form that you had discounted before? A. Yes, sir.

Q. Did you know the fact that these certificates were issued in advance of the time of appropriation, that money might be obtained upon

them? A. Yes, sir; I knew that they were issued at that time; when there were no funds to be paid, they issued certificates upon which these drafts were paid.

Q. Have you any knowledge that other banks made advances upon these certificates? A. I had always understood that the banks of Albany had dealt in them.

Q. You have no claim against any person other than the State, except Kiley? A. No, sir.

Q. Do you know the fact that he is a person of no responsibility? A. I suppose him to be a person of no responsibility at all.

Q. Do you remember the fact that at the time you made this discount, that the State was likely to call in a large number of certificates of award. A. I understood that arrangements had been made for money to be advanced from the sinking funds, and without awaiting until the next session of the Legislature.

Q. Since this time the bulk of the stock of the bank has been purchased by Mr. Hiram Sibley? A. Yes, sir.

Q. Do you know the fact that this certificate was turned over with the other assets of the bank? A. Yes, sir.

Cross-examination :

Q. Who was the president of the bank at the time of this discount? A. Mr. Jarvis Lord.

Q. Who were the directors? A. Mr. Jarvis Lord, Mr. James Bennett, Mr. William Mudgett, Mr. William F. Coggsowell, and I think Judge Church was, and John D. Fay. Mr. John D. Fay was one of the Canal Commissioners at that time, and I think Mr. Jackson was his successor.

Q. This certificate was obtained as collateral to Kiley's three months note? A. Yes, sir.

Q. At the time you discounted that note you knew when this award had been made? A. Nothing more than the certificate showed.

Q. That certificate showed that it was payable on the face of it. It was stated to be money due? A. Yes, sir.

Q. Therefore you understood that it was payable immediately? A. No, sir; I understood just the contrary.

Q. Don't you understand that a piece of paper which states an amount to be due is payable at once? A. No, sir.

Q. How long do you have to wait to get your pay? A. Until presented on an ordinary due bill.

Q. On any written statement of indebtedness that shows an amount of money is now due, do you understand that you have to wait any definite time? A. No, sir.

Q. You understand that it is payable as soon as demanded? A. Yes, sir.

Q. You understood when you took that certificate that it was not payable to bearer? A. Yes, sir.

Q. And was not payable to anybody's order? A. Yes, sir.

Q. Did you make any inquiries of Kiley, as to whether he had presented that certificate for payment before you had taken it?

A. No, sir.

Q. You understood it was passed due, from the 8th of December until the 8th of April? A. No, sir; I did not.

Q. You made no inquiries as to whether he had presented it for payment or not? A. No, sir.

Q. You did not understand that he had ever presented it for payment? A. No, sir; I did not.

Q. That note was due in July, 1875? A. Yes, sir.

Q. Was it paid? A. No, sir.

Q. When did you get absolute title? A. My impression is that we renewed the note twice; that we took the note for \$15,000, with interest, and when that became due, we took it for that amount and with interest.

Q. When did you, or the bank, present the certificate for payment? A. I think it might have been late in the fall, or early in the spring of the succeeding winter.

Q. Have you any definite recollection when it was presented? A. I think it was during the next winter.

Q. Are you positive of that? A. Yes, sir; I am pretty positive that it was during the session of the Legislature.

Q. Was it presented within a year and a half of the time you discounted that note? A. Yes, sir; I think it was presented during the winter of 1875 or 1876, and he refused to pay it; in the mean time it had been frequently talked about.

Q. Why did he refuse payment? A. On the common grounds that he regarded it fraudulent; I think it was during that winter that I was examined before the committee.

Q. Was Mr. Mudgett a canal contractor? A. Yes, sir, and had been for a good many years.

Q. And George D. Lord was a canal contractor? A. Yes, sir.

Q. And did you understand that he was the responsible party in the Hand contract for that work? A. I don't know any thing about it, at all.

Q. Didn't you testify before the other Board that he was the responsible party? A. I don't know that I did, and I don't think I did.

Q. To the question of the Comptroller, on your examination before: "In whose name was this work done practically," did you answer: "There was no doubt about the contract work being done by Mr. George Lord, according to the best of my knowledge and belief?" A. I don't remember it; I don't remember of the question being asked, at all.

Q. Don't you understand that to be the fact? A. I presume that to be the case now; I have no doubt about it, at all.

Q. Have you any doubt that this contract was taken in the name of Hand and, so far as Kiley was concerned, that Mr. Lord was the real party in interest in that contract? A. All that I know about it is the same that I have seen in the papers; beyond that I would have no knowledge.

Q. Mr. Kiley was in the employ of George Lord? A. Yes, sir, I understand now that he was.

Q. This bank changed hands two years ago? A. Yes, sir, in 1878; the control of the stock was bought by Hiram Sibley and the assets remain in the hands of the bank.

By the TREASURER :

Q. Why are these certificates in red ink, and the other certificates in black ink? A. I always understood that these certificates were issued in a different shape; that we had got to wait until the taxes had been collected.

Re-direct :

Q. I understood you to say that your understanding was, that these certificates were not to be paid upon immediate presentation, but that they would be paid when a presentation was made in fact? A. Yes, sir.

Q. At the time you took this certificate you knew nothing in relation to the Hand contract? A. No, sir.

Q. And all you know now is in relation to what you have seen in the papers and published since then, and at the time? A. Yes, sir.

The counsel for the claimant offered in evidence the records contained at folio 586 of volume 5 of the minutes of the Board of Canal Commissioners, which relates to the evidence taken November 27, 1874, in the matter of John Hand, and at the end of which is a certificate signed by the Canal Commissioners, in which they award Mr. Hand the sum of \$36,845. The report is dated 8th of December, 1874.

The counsel for the claimant here rested his case.

The counsel for the State objected to the allowance of this claim on the ground —

First. That this certificate is affected with fraud against the State and that the bank, when it took the assignment of this certificate, took it subject to any defenses on the part of the State against the payment of this award.

Second. That this paper is not, as understood in commercial law, negotiable paper. It is not payable to order or bearer, but is simply a certificate of indebtedness to John Hand and L. J. Bennett, assignee, and under all of the decisions of the courts this paper would be held to be non-negotiable.

John Hand, sworn for the State, testified :

I reside in Amsterdam.

Q. In 1871, did you hold a contract with the State for doing work on the canal? A. Yes, sir; with Mr. Bennett and Mr. Spaulding; the contract was in my name; Bennett and Spaulding of Buffalo were partners.

Q. What was the award obtained under that contract — were these special contracts? A. No, sir; they were all taken at one time; three different contracts, the Ohio basin, the Erie basin, and Black Rock harbor; the Ohio and Erie basin and Black Rock harbor is in Buffalo.

Q. When did you commence work on these contracts? A. I think the same season that they were awarded to us; that was 1868.

Q. At the beginning of the year 1871, how far had you got that work completed? A. I think it was about done; might not have been quite done.

Q. How much had been paid? A. I could not say.

Q. Had it been mostly paid? A. Yes, sir, all but fifteen per cent.

Q. It had been paid except the fifteen per cent? A. Yes, sir; there was considerable work to be done after I left.

Q. What arrangement was there between you and Mr. Lord in regard to getting an act passed for extra compensation on the Hand contract?

[Objected to as incompetent by the counsel for the claimant. Admitted subject to objection, and decision reserved.]

Q. In the year 1871 you knew George D. Lord? A. Yes, sir; and he was a member of the Legislature.

Q. What arrangement was made by Lord and yourself? A. He came to Bennett and proposed this thing; we never asked for any relief.

Q. You never asked for any? A. No, sir; not a cent.

Q. You know that your name was used in a bill for relief? A. Yes, sir.

Q. What was the agreement? A. He said go on and get a bill of relief passed; this conversation was with Mr. Bennett. [Objected to.] He showed me the agreement before I signed it; he read it over to me.

Q. What was the arrangement? A. He was to have two-thirds, and we were to have one-third under the Hand contract — Spaulding, Bennett & Co.; he was to have two-thirds and the contractors one-third for this relief.

Q. What relief? A. It was a piece of work we took very low, then we never asked for any relief upon it only through George Lord.

Q. Why was Lord to have two-thirds of the amount? A. That was the way it was stated; that he was to have two-thirds.

Q. You proceeded under this arrangement? A. Yes, sir; I had to sign all papers.

Q. Was it understood that George D. Lord, as member of the Legislature, was to get a bill through for your relief. [Objected to.] Bennett came to me and had this thing all talked over, and read this article of agreement before I signed it.

Q. What did Bennett say? A. He said it wouldn't cost us any thing if they didn't get any thing; he said that we would try to get such a bill passed, the bill for extra compensation.

Q. You held the contract in your name? A. Yes, sir.

Q. And Lord was to have two-thirds for his services? A. Yes, sir.

Q. And you contractors was to have one-third? A. Yes, sir.

Q. You signed a contract with John Kiley in pursuance of that understanding? A. I don't know whether it was signed John Kiley or George D. Lord; I signed a contract.

Q. A writing that Bennett submitted to you, you signed? A. Yes, sir.

Q. And you understood when you was signing it, that you was dealing with George D. Lord? A. Yes, sir, and with no other man; I, at that time, saw Mr. Kiley once or twice; I understand that Kiley was operating with George D. Lord.

Q. Did you understand at that time that Lord took contracts with Kiley's name? A. No, sir; I never heard of it.

Q. What did you do with the original paper that you signed? A. Mr. Lord came in the office one day with that paper; Mr. Bennett called me up to the desk, and he wanted me to sign it; that was in Buffalo, 92 Lloyd street; Mr. Bennett was there.

Q. What was done with that paper—the original? A. He put it in his pocket and took it away, Mr. Lord did. Mr. Bennett wanted me to sign it on the face, and Mr. Lord got between us and turned it over, and had me sign it on the back. After he went out Mr. Bennett asked me if I had signed it on the back, and I said I had, and he said "I didn't mean you to sign it on the back."

Q. Do you remember the day of that transaction, was it February 9th, 1871? A. Yes, sir; about that time.

The counsel for the State put in evidence a copy of the contract referred to by the witness, to be found in Senate Documents for 1876, vol. 5, Doc. No. 48, page 1312, as follows: "For value received, I do hereby promise and agree to pay to John Kiley of the city of Rochester, two-thirds of any and all additional money, over and above the amount provided to be paid by the express terms of my several contracts with the State of New York, for dredging in Black Rock harbor and the Erie and Ohio basins, in the city of Buffalo, which may be paid or awarded by the State by reason of said contracts; and I hereby direct and authorize the said Kiley, for me and in my name, to procure the Canal Commissioners' drafts for two-thirds of the amount which may be paid or awarded by reason of said contracts, and to give for me and in my name all proper receipts and acquittances for the said two-thirds of any award that may be made, and to collect the said two-thirds of the Treasurer of the State, the proper officer to pay the same, together with all benefits accruing thereon, and this assignment shall be my voucher therefor.

(Signed)

JOHN HAND.

Dated BUFFALO, February 9th, 1871.

Q. You gave that paper to Mr. Lord? A. He took it right after I signed it, and put it in his pocket, and turned around and went out.

Q. In the talk you understood that the consideration of Lord's, for two-thirds, was that he was to engineer this appropriation through the Legislature for extra compensation? A. Yes, sir.

Q. And you understood that he got the bill passed? A. Yes, sir; afterward.

Q. In the course of time the claim for extra compensation was presented to the Board of Canal Commissioners; was you present? A. No, sir.

Q. Was you present at any of the meetings of the Commissioners to inquire into the matter? A. No, sir.

Q. Did your partners engineer the matter before the Canal Commissioners? A. Yes, sir.

Q. You understand, at some time or other, that there was an award in your favor of \$36,855? A. Yes, sir; I saw it in the paper.

Q. Did you get any portion of those certificates? A. No, sir; never received a dollar.

Q. Before the award was made you had sold out your interest in the contract to Bennett? A. Yes, sir, in 1873; the award was made in the fall of 1874; at the time I sold out, I didn't take it into consideration at all that we would ever get any thing on the certificates.

Cross-examination:

Q. At the time this award was made you had no interest in it whatever? A. No, sir; it was turned over to Bennett, my brother-in-law.

Q. Prior to that time, wasn't Bennett, the managing man of the firm? A. Yes, sir; he kept the books and accounts; I worked at different work; I had nothing to do with the finances or keeping of the books.

Q. When did you get out of this contract? A. In 1873.

Q. Did you work on the contract down to 1873? A. Yes, sir; from 1868 to 1873, on the Ohio basin, the Erie and Black Rock harbor.

Q. When you sold out your interest in 1873, was the work on the contract done? A. There was some to be done; the Black Rock harbor was to be done; there was quite a good deal.

Q. Was there one-third of it? A. I don't think there was as much as that.

Q. Was the Ohio and Erie contracts finished? A. I could not say as to that.

Q. You know the fact yourself, that these three contracts were taken very low? A. Yes, sir.

Q. Don't you know the fact that on this Ohio basin your firm lost money? A. Yes, sir; lost money because they had to dredge it over again; had to go over the ground the second time.

Q. You, yourself, had no charge of the finances of the firm? A. No, sir.

John Kiley, sworn for the State, testified:

I reside at Rochester; I have lived there off and on since 1865.

Q. In the year 1861, were you in the employ of George Lord? A. I was not, no, sir.

Q. Were you before that? A. Yes, sir.

Q. How long before? A. I think up to about 1870; that is with this explanation: in the year 1870, I used to go up there and make payments on his contracts.

Q. Were you a clerk on a salary? A. No, sir, not during that time; in 1870, I was with John H. Jones on the Genesee Valley canal; he was canal superintendent.

Q. What was your position? A. It was clerk under Jones.

Q. Had you been clerk for Lord before that? A. Yes, sir, the most of the time from 1865 until 1868, or 1869 perhaps.

Q. Was Lord interested in any contract during that time that was taken in your name? A. There might have been, but I cannot recollect any now.

Q. You had a contract to build the Elmira Reformatory? A. Yes, sir.

Q. Wasn't Mr. Lord interested in that? A. My impression now is that he was.

Q. You had a contract to furnish the stone work on the Elmira Reformatory? A. Yes, sir, I believe that was it; I cannot tell as to date; I think it was 1870 or 1871.

Q. You had a contract for furnishing all the brick work for building the Elmira Reformatory? A. I think there was such a contract; I am not positive now; I believe there was such a contract.

Q. Lord and Daniels were interested in that? A. I am not positive; I presume they were.

Q. You know that these contracts for the building of the Elmira Reformatory were taken in your name? A. Yes, sir.

Q. And, in point of fact, other parties were the real parties in the contract? A. Yes, sir.

Q. This contract made with Hand, that I have read, which is in your name—did you act for Mr. Lord in that? A. No, sir.

Q. Wasn't Mr. Lord interested in that? A. Not at the time I had the conversation with Mr. Bennett, and when the contract was signed.

Q. You were not acting for Lord? A. No, sir.

Q. Lord was in no ways interested? A. No, sir; not as I know of at that time.

Q. How did you come to make a contract then that you was to have two-thirds of all this money appropriated? A. That was the arrangement that I had with Mr. Bennett.

Q. How were you furnished the equivalent? A. I didn't know how much it would be, or what his claim was.

Q. Now, at the time you must have had some idea what you was to do on your part to furnish the equivalent for having two-thirds of whatever would be awarded as extra compensation? A. I didn't know how much of the claim he had at the time we had this conversation; I never stated a word to Hand.

Q. Were you present at the time Hand signed that contract? A. I don't think I was; I signed the contract in Rochester, and I think it was sent to Mr. Bennett to have Mr. Hand's signature put to it.

Q. When Hand signed that agreement, how did it happen that George Lord was the party getting him to sign it? A. I didn't understand that he did.

Q. That agreement purports to be with you? A. Yes, sir.

Q. You never had had a conversation with him about making any such agreement? A. No, sir.

Q. Or he with you? A. No, sir.

Q. Wasn't it a fact that George Lord managed that arrangement: what did you do as an equivalent for two-thirds of this award? A. I was to have two-thirds on any money that was got in the way—in any way that he got extra compensation for his losses on this contract.

Q. How did you calculate to procure extra compensation? A. I didn't know but through my efforts I might get him reimbursed; he claimed that he was a loser under this contract.

Q. Didn't it strike you that it was a pretty large share? A. I had no idea how much it was to be at that time; I saw no statement of his losses.

Q. Are you willing to swear that George Lord had any interest whatever in this money by reason of any understanding with you? A. No, sir; I had no understanding at that time, of that contract with Lord.

Q. After it? A. No, sir.

Q. Never had any understanding with Lord? A. I may have talked afterward.

Q. After you had procured the contract that I have read, you say you had an arrangement? A. I say I talked with him in reference to the matter the next summer; I don't know that I had any pecuniary interest in it more than what he could do to assist me, and I left that wholly with him.

Q. Didn't he indicate in any way how he was to assist you? A. I don't remember that he did.

Q. Don't you know that he was a member of the Legislature when you got the contract? A. Yes, sir, but when I talked with Bennett he was not.

Q. You got the contract in February, 1871? A. Yes, sir.

Q. He was a member of the Legislature at that time? A. Yes, sir.

Q. And did you at that same session—did you consider yourself interested in the act for the relief of John Hand? A. Yes, sir.

Q. How? A. I supposed that under the contract I would have two-thirds.

Q. How did you expect to get an act through the Legislature of that kind? A. I left the contract after it was returned to Buffalo—I think I gave the contract to William Crenell; I didn't assign it to him, I delivered it to him; I think I requested the contract to be sent to him; I was out of the city of Rochester more or less at that time; I think it was delivered to him at that time.

Q. You didn't trouble yourself to come to Albany? A. I might have been down once or twice.

Q. You had no idea how the bill was to get through? A. I don't know as I had any definite plan.

Q. It never occurred to you that Lord would put it through? A. I don't know that it did.

Q. You have had other contracts taken in your name of Lord's beside the Elmira Reformatory? A. I presume I have.

Q. Wasn't it an occurrence so frequent that it became a regular system? A. No, sir, I don't recollect any other, but there may have been some other.

Q. Wasn't there contracts on the canals that was taken in your name, and that the Lords were interested in? A. I don't think there was.

Q. You would not be willing to swear that there was not? A. I don't know—there may have been; I could not name one.

Q. You were not consulted very much when your name was used by Lord; did you consult in regard to the Elmira Reformatory? A. I don't remember any particular conference or consultation.

By the COUNSEL FOR THE CLAIMANT:

Q. You say you were not in Lord's employ in 1870? A. No, sir; I wish to explain; I used to, that summer, go up to Buffalo to make payments for him, but I was in the employ of John H. Jones; I haven't

been in Lord's employ until since 1870; I was not in his employ in April, 1875.

Q. At the time you got this draft discounted at the Bank of Monroe? A. No, sir, I think I was on the Genesee Valley canal in 1875; I think I was with Mr. Scanlon of Scottsville; he was a superintendent. By the COUNSEL FOR THE STATE:

Q. You were examined as a witness before the commission appointed by Governor Tilden — Bigelow, Orr and Magone? A. Yes, sir, it was in Albany.

Q. Did you decline to answer questions before that commission? A. Yes, sir.

Q. Was you asked this question: "Do you know John Hand?" and did you answer: "I decline to answer?" A. Yes, sir, I did.

Q. Was this question asked: "Why do you decline to answer?" and did you answer that: "My name has been mixed up in this Hand matter, and by advice of my counsel I decline to answer?" A. I presume I did.

Q. (Counsel reading.) "Q. Why do you decline? A. Upon advice of counsel. Q. The advice that it would tend to criminate you?" A. Yes, sir, that was his advice.

Q. You refused to answer whether you knew John Hand because you thought it would tend to criminate you? A. Yes, sir.

Q. Was this question asked you: "Were you aware that your name had been used as a party to a contract with John Hand until after that contract had been signed?" and did you answer: "I must decline to answer on the same ground?" A. I presume I did.

Q. Was this question asked you: "It is in evidence before us that there was a contract between you and John Hand; that you were to have two-thirds of the award that should be obtained from the Legislature; were you aware of the existence of any such contract until after it was signed?" and did you answer that question: "I shall decline to answer for the reasons already given?" A. I presume so.

Q. And then this question: "Did you ever receive any money under that award? (A.) I decline to answer." Did you decline to answer that question? A. My impression is that I declined to answer.

Q. (Counsel reading.) "Q. Why? A. For the same reason I have given. Q. What is it?" and did you decline to answer on the ground that it might criminate you, or something to that effect? A. Yes, sir, I presume so.

Q. Was this question asked: "You are now drawing a salary from the State?" and did you answer: "Yes, sir," to that? A. Yes, sir, I presume I did.

Q. Was this question asked by Mr. Bigelow: "Who is your counsel that gives you this advice?" and did you answer: "Mr. Coggs-well"—Mr. Coggs-well was a partner of Mr. Perkins? A. I think he was.

Q. Was this question asked: "When did you first enter the employ of Mr. George D. Lord?" and did you answer: "That I must decline to answer?" A. I have forgotten about that.

Q. Mr. Orr asked you this question: "Are you afraid it will criminate yourself?" and did you answer: "Yes, sir, upon that general ground?" A. I took that position from the advice of counsel.

Q. Did you refuse to answer any of these questions on the ground that it would criminate yourself? A. I did upon the advice of counsel; I presume I took that position.

Q. You were asked the question: "Did you go immediately from Lord's employ into the employ of the State?" and did you answer: "I am not sure at present?" A. I think I did; I don't think I—

Q. You were asked this question: "Can you swear that you did not go immediately from his employ into the position you now occupy," and did you answer: "I cannot swear that I went into the employ of the State immediately?" A. I presume so.

Re-direct:

Q. You came with Coggswell to Albany? A. Yes, sir; and I answered when he told me, and when he said not to answer, I did not.

W. H. Bowman, sworn for the State, testified:

I am an attorney-at-law and reside in Rochester; I have resided there and practiced law about fifteen years; I have resided in that county all my life.

Q. Were you employed as attorney by Mr. Lord to procure a claim under this Hand contract, before the Canal Commissioners under this act of 1871? A. Mr. Lord handed me a copy of the agreement which you have read, or the agreement itself, I don't know which, and wanted me to look after it for himself and Mr. Kiley.

Q. Do you remember about when Lord retained you as counsel? A. That was what Mr. Lord said to me; I mean to say that he handed me the paper and said he wanted I should look after that matter, but whether he said for himself or Mr. Kiley I don't know, and I don't know now; it was a conversation a short time previous to the Commissioners taking testimony; it was in Rochester in my office or in the street; at his request I examined the contract; I had a copy of the contract itself.

Q. What was the first thing you did? A. I think, when I was at Albany I spoke to one of the commissioners about hearing it at Buffalo, and also an arrangement about meeting at Buffalo; I should say it was in the fall; the books of the Canal Commissioners will give the exact dates.

Q. Had you, up to the time you spoke to the Commissioners about the arrangement for a meeting, ever had a conversation with Kiley? A. I don't remember whether I did or not; Mr. Kiley and myself had talked about it.

Q. You were asked this question, "Did you ever see Kiley in the matter?" and you answered, "I hadn't up to that time." A. I could not say whether I had seen him; I have no recollection except a general recollection that I talked with Kiley; I think we all met each other frequently; I think the office of the superintendent was located at Rochester.

Q. They had a meeting at Buffalo, the Commissioners did, and took testimony? A. Yes, sir.

Q. What time did they meet? A. I can only say it was in the fall; I don't recollect when they made their award.

Q. Did they have more than one meeting? A. No more than one that I know of; the testimony was taken at one meeting and was taken at Buffalo.

Q. The award was, in the aggregate, \$36,855, and made in separate sums; do you understand why it was made in separate sums? A. I think it was done at Mr. Bennett's request; I think he dictated how it should be made.

Q. Did you understand at the time the award was made, or shortly after, how the division between the parties interested was to be made, what proportions? A. Yes, sir.

Q. What did you understand to be the proportion? A. As they are divided, but I don't recollect just how that was now.

Q. From the terms of that contract you must have understood one-third and two-thirds, but it was not divided in parcels that way? A. No, sir; but Bennett claimed that there was some former transaction that I didn't know any thing about, and I think he got more than one-third. When I first met him at Lockport we disagreed and I came away.

Q. Before this division did you meet Bennett and Lord here in Albany? A. We were all here.

Q. This matter was talked of between Bennett and Lord when you were present? A. I don't think I heard that conversation; I know we were all here.

Q. The result of that conversation was in saying how the certificates should be divided? A. I understood from parties here how they should be divided.

Q. In that conversation you were present? A. I don't think I was present.

Q. The question was asked, "Between you and Lord and Bennett?" and you are reported as saying, "Yes, sir." This is the way it is: "Whom did you get instructions from so that you could not agree?" A. I say now that I learned from these parties how they should be divided.

Q. The question that was asked is: "Whom did you get instructions from, so you could not agree?" "A. I think I got it from the terms of that contract, supposing it was to be two-thirds instead of one-third; then I met Mr. Bennett here, and George Lord was here; I never had any conversation with Jarvis Lord about it, and don't know that he knew any thing about it; I think Mr. Bennett and Mr. Lord had the principal conversation; it resulted in saying how the certificates should be divided." "Q. Was Davis present at that interview? A. No, sir; I don't recollect he was." A. I did learn how the certificates were to be divided, from the conversation between those parties, but I don't say I was present and heard the conversation between those parties.

Q. You were present when these certificates were obtained? A. I was.

Q. Who was you acting for there? A. I was acting under a general employment of Lord or Kiley; I did the whole thing; you can take that employment as you please.

Q. You charged \$1,000 for your services? A. I did; I told Mr. Bennett that I would take a certificate of \$1,000 for my services, and I paid my expenses.

Q. Have you ever got your money upon that certificate? A. No, sir.

Q. Have you got that certificate? A. No, sir.

Q. (Showing certificates in statement of case.) Do those certificates correspond with your recollection? A. I presume that is right; my general recollection would be that they were divided up in such amounts.

Q. What amount of those certificates did Bennett take? A. My recollection would be that Bennett took all except the \$16,000 certificate, and the \$1,000 certificate; I think Mr. Bennett took all the rest.

Q. The \$1,000 certificate you charged for you fees? A. Yes, sir.

Q. What did you do with the \$16,000 certificate? A. My impression is that I left it at the water-works office, or the Bank of Monroe, I don't know which; I think I left it at the Bank of Monroe or water-works office; he was water-works contractor at that time.

Q. You left it for George D. Lord? A. I left it for the person that was entitled to it; I drew the assignment.

Q. Did you answer to the question before the committee that you gave those certificates, except the \$1,000, to George D. Lord? A. I might have so answered.

Q. You say now that you are not sure that you handed to him personally, or left them at the water-works office, or at the Bank of Monroe for him? A. No, sir, I am not.

By the COUNSEL FOR THE CLAIMANT :

Q. After this talk that Lord had with you, where he said he wanted you to take charge of this matter, did you have any further conversation with him in reference to the matter at all? A. I don't know that I did; this was shortly before I made this arrangement; I don't think the whole time occupied over a month or six weeks.

Q. Did Lord or Kiley say any thing to you in reference to what witnesses you should get, or what the witness would swear to, or what statements of claim should be presented? A. No, sir; I don't think they did.

Q. All the talk you had is what you have already represented? A. Yes, sir.

Q. You afterward saw the Commissioners and arranged as to the time of meeting at Buffalo? A. Yes, sir; I went to Buffalo; Kiley and Lord were not present; at that meeting I saw Bennett; I conversed with him in relation to the claim and as to the matter of presenting the claim and who the witnesses were.

Q. Did you give him any advice to raise any of the items of that claim? A. No, sir.

Q. Did you at any time instruct him to raise certain items above what he stated at that time they were fairly worth? A. No, sir; I went to Buffalo; I met Mr. Bennett, and the Commissioners got into a tug and went down the harbor and looked at this dredging; this was in relation to the Black Rock harbor; we came back and met, and I think Mr. Douglass was there as a witness, and three or four others, to prove what the dredging was worth, and I think Mr. Behn swore as

to quantities; after we got through — I think Mr. Jackson was going to Lockport — some one of the Commissioners suggested that Bennett make out his statement and swear to it, and send it on as part of the testimony; he said he would do so; Mr. Bennett did make out his statement and it was produced before this investigation, and that was the first time I ever saw it.

Q. Do you remember the fact that the statement as presented corresponds with the evidence as given by these three or four witnesses?

A. Yes, sir, substantially so; these certificates were made out February 10, 1875; I recollect that this testimony was taken the 27th of November; the Commissioners met the 8th of December, and these certificates were made February 10, 1875.

Q. Were you present when Jackson signed these certificates and delivered them? A. Yes, sir.

Q. He delivered them to the various persons as representing the parties to whom the award had been made? A. Yes, sir; I think the handwriting was Mr. Murray's.

Q. Was it stated at the time between Jackson and these parties that no funds had been appropriated for the payment of this award, and that the certificates had been issued to represent the amount? A. I don't know whether it was so stated, but that was the fact.

Adjourned to the second Wednesday in October, for further hearing.

STATE BOARD OF AUDIT,
OFFICE OF THE SECRETARY OF STATE, }
ALBANY, November 10, 1880.

In the Matter of the claim of the Bank
of Monroe
agst.
The State of New York.

Regular meeting. All of the members present.

J. B. Perkins, for the Claimant; Wm. B. Ruggles, First Deputy Attorney-General, for the State.

Proceedings resumed from September 8, 1880, as follows:

L. J. Bennett, sworn in behalf of the State, testified:

I reside in Buffalo; have resided there since the spring of 1866; I have been a contractor, and am at present a cement manufacturer.

Q. You have had contracts for work on the canal at different times? A. Yes, sir, interested with others in contracts.

Q. Were you interested in what is known as the John Hand contract for dredging Black Rock harbor? A. Yes, sir.

Q. You had been a partner with Hand? A. Yes, sir, with Hand and Mr. Spaulding.

Q. At some time Hand sold out to you, or to you and Spaulding his interest in the contract? A. That was after the close of the war; the work was all completed before.

Q. You are acquainted with George D. Lord? A. Yes, sir.

Q. Previous to the spring of 1871, did you have some conversation with George D. Lord in regard to getting a bill through the Legislature for the relief of John Hand, and which subsequently became a law? A. I had some talk with him, but I cannot tell just what year.

Q. That act was passed in April, 1871? A. It was previous to that time.

Q. What was the substance of the conversation you had with Mr. Lord previous to the passage of the act? A. I remember the act; the substance of that was, if there was such an act passed, George D. Lord was to have two-thirds of any thing that came out of it.

Q. George D. Lord was a member of the Legislature at that time? A. He was a member elect; I don't remember whether he was a member at that time or not.

Q. Did you have any engagement with any other person beside Lord in regard to this matter of getting the award; do you know Mr. Bowman? A. I know William H. Bowman.

Q. Did you have any engagement with him in the presence of Lord, or in connection with this arrangement with Lord? A. I met him once at Rochester, and I think he came once to Buffalo to talk about this matter; he was Lord's attorney.

Q. You saw subsequently, and before the business was closed up, that he was Lord's attorney? A. He was Lord's attorney as I understood it.

Q. Where was it you first met Lord when you talked with him about this scheme of a bill? A. He was at Buffalo, and he sent over for me, and I went to his office; he was then contractor for section fourteen of the Erie canal; he had an office adjoining the canal collector's office.

Q. You acceded to his terms, that if he got through a bill for relief on this contract, that he should have two-thirds and the contractors the other one-third? A. Yes, sir.

Q. Can you tell about the time in the year you had this conversation in Buffalo with Lord? A. I cannot say for certain; it seems to me that it was in February, 1871, the time the bill was finally passed; he was elected in November previous to that; I wouldn't want to say positively.

Q. There was a written affidavit drawn which John Kiley signed; do you remember about that—in which the substance of this arrangement was embodied in the agreement? A. I think he did send such a paper to Buffalo to be signed; I am very sure that there was a paper of that kind sent to him; I think he gave me the form to be copied after; there was a form sent to me.

Q. Did you understand from the conversation with Lord in what capacity Kiley was acting? [Objected to.] A. I don't think he said any thing to me; I think the paper was sent to me through the mail from Rochester; whether it came through the mail, or whether it was handed to me I cannot say; I think it was handed to me; from my best recollection I think Mr. Behn gave me the paper.

Q. I want to call your attention to this contract—

The counsel for the State here read the contract heretofore put in evidence, and as set forth in the record of the proceedings of September 8th, at page .

Q. Was that contract made as the result of that agreement? A. Yes, sir.

Q. Mr. Hand, before the date of this agreement, had sold out his interest in this business to you? A. Yes, sir; he moved away to Amsterdam.

Q. At that time the work had been substantially completed under the contract? A. The work had been completed.

Q. Were you present when the Board of Canal Commissioners met to hear this claim of Hand? A. Yes, sir.

Q. Where did they meet? A. In Thaddeus C. Davis' office at Buffalo.

Q. Do you remember about the time they met? A. I should think it was the 27th of November, 1874.

Q. Did Davis have any office under the State? A. He was Canal Appraiser, if I remember.

Q. He had been Canal Appraiser? A. That may be; I don't know; I won't say he was.

Q. Who was present there at the office? A. The Board of Canal Commissioners were all there; Mr. Barkley, Mr. Stroud, and James Jackson, Jr.

Q. The Board met for the purpose of hearing this claim at the office of Thaddeus C. Davis, at Buffalo? A. Yes, sir.

Q. Who else was present at the hearing beside the Board of Canal Commissioners, Mr. Davis, and yourself? A. This gentleman from Rochester, Mr. Bowman, and two or three witnesses were there; Mr. Hand was not there; Mr. Richardson and Ambrose Clark and Mr. Oliver Cornell; Mr. Bowman was there as attorney for Mr. Lord.

Q. Bowman was there in favor of this claim? A. That is the way I understood it.

Q. Who appeared for the State there as counsel? A. Davis wrote down the testimony; I don't know whether he appeared for the State or not.

Q. Did he have any thing to say? A. I don't remember whether he took part in the matter or not.

Q. Wasn't anybody there as counsel for the State? A. I don't know as there was anybody, unless he was considered that.

Q. Wasn't it the fact that Davis appeared as counsel for the State? A. I don't know; he was there, and it was held in his office and he took minutes.

Q. Was there anybody else beside Davis who had any thing to say on that examination on behalf of the State as counsel, or otherwise, to your knowledge? A. No, sir; I don't remember now.

Q. Who made out the bills for this work that was presented to this Board of Canal Commissioners? A. I made out the bills.

Q. Did you have any assistance in making them out when they were presented? A. I had some talk with Mr. Bowman in regard to the manner in which the bills were to be made out.

Q. Where were the bills made out? A. I made out a bill and sent it to Rochester to Mr. Bowman for approval before the Board met; I think he had something to say about the approval; I don't think he presented it to the Board; I think the bill I made out and presented was such a one as was agreed upon.

Q. How long did it take, to take the testimony? A. All done during one day.

Q. After you got through the testimony, and before the award was made, were the bills raised to a higher figure? A. I think the bills were made out very high before they went to the Board at all.

Q. Were not they made out still higher after they went to the Board? A. No, sir, I don't think they were.

Q. After the testimony had been taken and they had closed the evidence, didn't Mr. Bowman tell you that those bills were not high enough, and that they had to be made larger to fit the testimony? A. My recollection is, it was before; I don't remember whether it was before or afterward.

Q. Perhaps I can refresh your recollection; you were sworn as a witness before the investigating committee composed of Messrs. Magone, Bigelow and Orr? A. Yes, sir.

Q. Do you remember being questioned by Mr. Van Buren to this effect: "Q. You understood Lord was in the Legislature at that time? A. Yes, sir; that didn't occur to me at the time that he was a member; I didn't know but he was. By Mr. MAGONE. Q. He afterwards met you in the city and went with you to the law firm of Hale, Hand & Co.?" A. I remember that.

Q. This question was asked by Mr. Magone: "Q. When you came to make up these bills was it agreed between you and Lord; talked over; how they should be made up between you and George D. Lord?" and do you remember answering, "yes, sir," to that? A. That was a prior claim; there was three separate contracts, and there was two different hearings; the last hearing took in two contracts; this one you are reading about applies strictly to the Ohio basin.

Q. Did Hand have the other two contracts? A. They were all in Hand's name; there were three different contracts.

Q. This contract that is spoken of as the Ohio basin contract—was the testimony heard on that contract at any other time? A. It was before that; it was heard before the Board of Canal Commissioners; the same law applies to all of them.

Q. Were the bills in regard to the Ohio basin contract raised up half after that?

[Objected to as irrelevant and incompetent.]

Q. Was this bill—the Black Rock Harbor bill—raised after it was presented to the commissioners? A. No, sir, it was not raised.

Q. This bill was made out after the hearing had taken place on the Ohio basin contract. A. Yes, sir.

Q. I understand you to say that this bill was high enough when it went in first? A. It was not increased; yes, sir, I said I guessed it was large enough when I sent it to Bowman.

Q. After this award was made was the divide made according to the original agreement? A. That was the substance of it; Mr. Lord owed me on the first, and on the second award he gave me enough to make it good for the first award, and allowing him two-thirds of the award.

Q. Who were the certificates delivered to by the Canal Commissioners after they had made their award? A. The Commissioners delivered them to myself and Bowman.

Q. The award was divided up into a number of certificates? A. Yes, sir.

Q. The whole award was \$36,845; that was divided up into a number of certificates; what was the purpose in dividing it up into so many certificates? A. I don't know any particular reason, any more than I suppose Mr. Lord wanted to divide up his part, and I wanted my part separate.

Q. Certificate 184, \$16,000; another certificate of \$1,000, and other certificates of different sums; you have got a little more than one-third because Lord owed you something on one of the other contracts and made it up here? A. Yes, sir.

Q. How much of that did Bowman take for Mr. Lord; how much of these certificates? A. Seventeen thousand dollars, I think.

Q. Was the \$17,000 made up of the \$16,000, and the \$1,000 certificate? A. That is my recollection; he took the small certificate.

Q. The \$1,000 certificate, you understood, was for Mr. Bowman's fees? A. I don't know as there was any thing said about his fees, but it was made out so he could have it; I suppose it was his fees, but I don't know; I didn't pay him any thing.

Q. Among these certificates there were two certificates, 180 and 185, of \$2,000 each; what was done with those certificates? A. I returned all I had to the State department.

Q. You never have been paid on any of them? A. No, sir; the investigating commission asked me to give them up, and I thought it was best for me to do it, and I did so; some of those earlier ones Mr. Lord had got.

By the SECRETARY OF STATE:

Q. Did you have any of those certificates cashed? A. No, sir.

By the COUNSEL FOR THE STATE:

Q. What \$2,000 certificate was it that you gave to Davis? A. He got one of them — must have been one of those \$2,000 certificates.

Q. You gave one \$2,000 certificate to Davis? A. I put it in an envelope and left it there, and he got it.

Q. How long was it after this divide? A. I should say a month.

Q. Where was it you gave it to Davis? A. In my office in Buffalo; I put it into an envelope and handed the envelope to Davis.

Q. What did Davis do with it when you handed it to him? A. He was going out of the door when I handed it to him. He took it, but he didn't open it. I put it in an envelope and sealed it up and handed it to him, and he went off. I never got it back.

Q. What did you give Davis \$2,000 for? A. I thought it was more than I ought to have, and I thought it belonged to somebody, and I thought he might as well have it as anybody. I thought the award was a very liberal one, and it seemed to me more than I ought to have.

By the COUNSEL FOR THE CLAIMANT:

Q. You testified before the investigating committee that Davis had more or less legal business? A. Yes, sir.

Q. You paid him other moneys beside this \$2,000 certificate? A.

Yes, sir, I had paid him money at various times during those three or four years.

Q. What legal business you did, he did for you? A. Yes, sir, he was handy when I didn't employ Lewis & Gurney.

Q. You remember the fact that William Richardson was sworn before the Commissioners. What was his business? A. He was a contractor, and he owned dredges on the lakes; he didn't do work for the city of Buffalo.

Q. Do you remember that Wm. H. Douglass was sworn before these Commissioners? A. It might have been; he was a general contractor; he had done work for the city of Buffalo.

Q. Do you remember the fact that you testified before the Commissioners that the price in the contract was fourteen and one-half cents — the Black Rock contract? A. I think it was.

Q. Do you remember the fact that the number of yards of dredging you did, as was certified by the engineer, was 273,000 on this Black Rock contract? A. Whatever I swore to was correct, because I had the figures.

Q. And the contract was fourteen and one-half cents? A. Yes, sir; I think that was right; whatever it was that I swore to was right.

Q. Do you remember that you testified that you expected to dump this material about half-a-mile below the ship lock in Niagara river? A. Yes, sir; it was understood where we were to dump it.

Q. Were you required to dump it by the engineer about half-a-mile further off? A. Yes, sir; we had to go down below the blast-furnace; it was in a very strong current, as high as seven miles an hour; we had to go a mile further off to drop with the scow; that cost more to do the dredging, the dumping expenses and the time taken.

Q. Can you tell whether in this material that you dredged, it was mixed in with timber, logs and old trees? A. Yes, sir; it was filled up with general rubbish and old piles.

Q. Did that fact increase the cost of dredging? A. Yes, sir; it did to some extent.

Q. Do you remember the fact that you testified before the committee in answer to this question whether "you didn't have a fair and just compensation by the yard, for that work before the award was made." — "No, sir; I am certain we didn't have a fair compensation?" A. Yes, sir; that was a very low price — about half price.

Q. Do you remember that you took this contract at an exceedingly low price? A. Yes, sir; they took contracts at so low a price —

Q. Do you remember the fact that Mr. Douglass testified before this commission, speaking of the nature of the deposit, that he thought a fair compensation for doing the work was thirty cents? A. I don't remember what he said about it, but I know he was getting as high as thirty-five cents.

Q. He testified that he had received forty-two cents per yard from the city of Buffalo? A. They undoubtedly got better prices; they done most all the city work.

Q. I ask you whether you testified before the Commissioners, and also before the legislative commission, that you thought from twenty-five to thirty cents would have been a fair price, including the nature of the deposit, and the distance you were compelled to draw it? A. That was a fair price as prices then were for this sort of

work; we were getting thirty cents at Toledo; that was the price we received by contract with the United States Government.

Q. These contracts were taken at an exceedingly low price with the expectation that the State would make an extra allowance? A. There was no understanding with me at any time about that. I surrendered the certificates to the State.

Q. Do you remember, at the time you surrendered those certificates, you were, and had been for some time kept under arrest? A. Yes, sir.

Q. Do you remember that you were kept at the Tift House? A. Kept there nearly a week. When I left Albany — I was under arrest nearly three weeks; I sent to Buffalo and got bondsmen that I would appear as a witness; I was kept under arrest and taken to Buffalo, and in order that they should get papers — I said I might have some at my house, and the young man in charge went to my house — went with me at twelve o'clock at night, and he brought me to the Tift House, and I was kept there about a week.

Q. And was it during this time of your confinement that you surrendered up these certificates? A. Yes, sir; they made me sign an order to go there and get any thing I had, any papers or books.

Q. Didn't they also get an order to compel you to surrender up those certificates to the State? A. Mr. Orr wanted to go to Buffalo, and he wanted my authority for getting all the papers; I had to go through an examination to see if there was any thing he thought was of use, and after he got there he thought it wasn't quite full enough, and they wrote up such a telegram as it was necessary for them to have to get every thing I had. He brought back the certificates and they wrote across them, "these certificates issued through fraud;" they made me sign them; of course I signed every thing they asked me to sign; it was a couple of months before I could succeed in getting them back, though I returned them because I had agreed to sign them. The officers of this investigation took all my books of account, and I have never seen them from that day to this; when they got ready to leave town they said I could go home.

By the COUNSEL FOR THE STATE :

Q. You got those certificates back after they had used them?

A. No, sir; I had some of them in my possession; when I got back home Mr. Bigelow wrote me—

Q. Did you ever make any claim to have those certificates restored to you? A. No, sir.

Q. Did you take any legal advice as to whether you had any claim to have them restored? A. No, sir; I didn't want them; I didn't want to see them any more; I have got through with that, and I want to be let alone.

Q. About that \$2,000 certificate you gave to Thaddeus Davis, didn't you give that to him as his share of that award; wasn't that your understanding? A. I hadn't any understanding with him to give him a cent; they had been very liberal in their awards and it seemed to me that what I got was more than I ought to have.

Q. Do you think that Davis had earned any part of this by his services before the Canal Commissioners, as a reason why you gave it to him? A. I thought he was very friendly.

Q. In connection with this award? A. Yes, sir, I think he was.

Q. That was the reason you gave him the certificate? A. That is the reason I gave it to him because he was friendly.

To the COUNSEL FOR THE CLAIMANT— There is a wear and tear on dredging property. A dredge as we would work it would be worn out in five or six years.

The counsel for the State desired to have it appear in evidence that Thaddeus C. Davis was Canal Appraiser from January 24, 1873, to February 16, 1877.

Testimony closed.

The counsel for the State renewed the objections to the allowance of this claim, as made at the close of the claimant's case.

By the COUNSEL FOR THE CLAIMANT:

The Canal Commissioners of the State constituting a court of competent jurisdiction issued the certificate in question as part of an award, in regular order, and in pursuance of the laws of this State giving them authority so to do.

The bank as claimant acquired title for value, as shown, in perfect good faith, and in the ordinary course of business.

The allegation of fraud is incompetent. The rule of law is well settled that the decision of a court of competent jurisdiction cannot be inquired into before another court. The decree or judgment of a court of competent jurisdiction cannot be impeached for fraud in a collateral proceeding.

The claim is a legal and valid one and should be allowed.

Claim submitted for decision.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, on Wednesday, December 22, 1880:

PRESENT— Joseph B. Carr, Secretary of State; James W. Wadsworth, Comptroller; Nathan D. Wendell, Treasurer.

No. 74.

In the Matter of the claim of the Bank of Monroe <i>agst.</i> The State of New York.

On motion, ordered that the claim of the Bank of Monroe for payment of Canal Commissioners' certificate be disallowed.

EXHIBIT "A."

CERTIFICATE.

LOCKPORT, *February 10, 1875.*

\$16,000.

No. 184. Extraordinary repairs of Erie canal:

To the Auditor of the Canal Department, Albany:

I hereby certify, pursuant to the act chap. 149 of the Laws of 1859, and upon a part of an award made by the Board of Canal Commissioners, December 8, 1874, hereto attached or filed in Canal Department, that there is due, as shown by said award, to John Hand, contractor, L. J. Bennett, assignee, sixteen thousand dollars, being the amount of the annexed receipt, the award having been duly filed in the Canal Department.

JAMES JACKSON, JR.,
Canal Commissioner.

Under chap. 149, Laws of 1859; under chap. 585, Laws of 1869.

LOCKPORT, *February 10, 1875.*

No. 184. Extraordinary repairs of Erie canal:

Received of James Jackson, Jr., Canal Commissioner, his certificate addressed to the Auditor of the Canal Department, for sixteen thousand dollars, viz.: On account of part of an award made by the Board of Canal Commissioners, on the 8th day of December, 1874, under act chap. 585, Laws of 1871, under my contract for removing deposit from Black Rock harbor, dated July 16, 1869. \$16,000.

Certificate No. 182 for	\$4,000 00
do 180 for	2,000 00
do 185 for	2,000 00
do 179 for	2,500 00
do 181 for	9,355 00
do 184 for	10,000 00
do 183 for	1,000 00
Total of said award	\$36,855 00

JOHN HAND,
By L. J. BENNETT, *Assignee.*

Under chapter 149, Laws of 1859; under chapter 585, Laws of 1869.

Indorsed:— John Hand, by L. J. Bennett, assignee.

ASSIGNMENT.

For a valuable consideration to me in hand paid, the receipt whereof is hereby acknowledged, I hereby sell, assign, transfer and set over to , all my right, title and interest in and to a certain certificate of indebtedness numbered 184, issued by James Jackson, Jr., Canal Commissioner, and dated Lockport, February 10, 1875, and addressed to

the Auditor of the Canal Department, and being part of an award made by the Board of Canal Commissioners December 8, 1874, which certificate of indebtedness is for the sum of \$16,000, and I hereby appoint said _____, my attorney, with full powers, irrevocably, in my name to sign all vouchers necessary to collect said certificate when due, and to give all necessary vouchers to the State on payment thereof by the Auditor in my name as fully as I myself could do.

Dated *February 10, 1875.*

JOHN HAND,

By L. J. BENNETT, *Assignee.*

NIAGARA COUNTY, ss.:

On this 10th day of February, 1875, personally appeared before me L. J. Bennett, assignee of John Hand, to me known to be the same person mentioned and described in the foregoing instrument, and acknowledged that he executed the same.

S. CADY MURRAY, *Notary Public.*

STATE OF NEW YORK, }
Niagara County Clerk's Office, } ss.:

I, George L. Moote, county clerk, and clerk of the courts of record of said county, do certify that S. Cady Murray, before whom the annexed instrument in writing was proved or acknowledged, was at the time of taking the same a notary public in and for said county, duly authorized to take the same. And that I am well acquainted with his handwriting, and verily believe the signature to the said certificate is genuine, and that the annexed instrument is executed and acknowledged according to the laws of this State.

In witness whereof, I have hereunto set my hand and affixed my official seal, at Lockport, in said county, this 26th day of July, [L. s.] A. D. 1875.

H. A. COOK, *Deputy Clerk.*

NOTE.

ROCHESTER, N. Y., *April 8, 1875.*

\$15,000.

Three months after date I promise to pay to the order of myself fifteen thousand dollars at Bank of Monroe. Value received.

(Signed)

JOHN KILEY.

No.

Due

July 23, 1875, paid. Canceled.

Indorsed :— John Kiley.

DRAFT.

\$14,612.50.

BANK OF MONROE, }
ROCHESTER, N. Y., *April 9, 1875.* }

Importers and Traders' National Bank of the city of New York.

Pay to the order of John Kiley fourteen thousand six hundred and twelve dollars and fifty cents, in current funds.

(Signed)

T. F. FINDING, *Teller.*

No. 11788.

To the Albany City National Bank, Albany, N. Y. :

Stamped across the face :—"Credit the Importers and Traders' National Bank of New York."

Indorsed :—"John Kiley."

Indorsed :—"Pay Central National Bank, New York, or order."

"W. J. ASHLEY, *Cashier*."

Stamped :—"Central National Bank, New York. Paid April 10, 1875." Canceled.

No. 24.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, Wednesday, December 8, 1880 :

PRESENT—Joseph B. Carr, Secretary of State ; James W. Wadsworth, Comptroller ; Nathan D. Wendell, Treasurer.

No. 208.

In the Matter of the claim of Weed, Parsons & Co. <i>agst.</i> The State of New York.	}
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Claim for printing 6,000 copies of Colvin's report of the Adirondack Survey, for the use of the Legislature of 1880 ; amount claimed, \$15,000.

STATEMENT OF CLAIM OF WEED, PARSONS & COMPANY.

STATE OF NEW YORK, }
City and County of Albany, } *ss. :*

George Dawson, being duly sworn, says, that he is one of the firm of Weed, Parsons & Co., who are engaged in the printing and publishing business in said city. That the said firm was duly employed and charged to execute the printing ordered and mentioned in the concurrent resolution of the Legislature, of which the following is a copy :

"STATE OF NEW YORK, }
 IN ASSEMBLY, ALBANY, *March 18, 1880.* }

Resolved (if the Senate concur), that there be printed and bound in cloth ten copies of the last printed report of Colvin's Survey of the Adirondacks for the use of each Senator and Member of the Assembly of the Legislature of 1880, and two copies for each of the officers and reporters of the present Legislature.

By order of Assembly,
 EDWARD M. JOHNSON, *Clerk*."

"IN SENATE, *April 8, 1880.*

Concurred in with the following amendments: Strike out the words 'ten copies' and insert 'twenty copies' in line 4. Strike out the words 'two copies' and insert 'five copies' in line 8, and add at the end of resolution the following: 'Provided the cost shall not exceed the sum of two dollars and fifty cents per volume.'

By order,

JOHN W. VROOMAN, *Clerk.*"

"IN ASSEMBLY, *April 13, 1880.*

Amendments of Senate concurred in.

By order,

EDWARD M. JOHNSON, *Clerk.*"

That the number of copies of Colvin's Survey of the Adirondacks required by said resolution was certified to said firm by the Secretary of State as follows:

STATE OF NEW YORK,
OFFICE OF THE SECRETARY OF STATE, }
ALBANY, *April 14, 1880.*

Messrs. WEED, PARSONS & Co.:

Under concurrent resolution of April 13, 1880, in reference to Colvin's Survey of the Adirondacks, you will deliver six thousand copies, that being number required as near as I can estimate the same.

Very respectfully,

ANSON S. WOOD,

Deputy Secretary of State.

That said firm printed and bound the number of copies of Colvin's Survey of the Adirondacks required by said resolution and certificate, namely: Six thousand, and delivered the same to the Secretary of State; that the State is indebted to the said firm for the same and such work in the sum of fifteen thousand dollars.

And this deponent further says, that the nature of the proofs upon which said firm relies to support said claim, is the resolution and certificate hereinbefore referred to, and the testimony of John D. Parsons, Jr., of the city of Albany, that the said work was done, performed and the number of copies required were duly delivered under the direction of the officers of the State and chairmen of the legislative committees for whom said work was done, and their certificate acknowledging the performance of said work, and the receipts of the delivery thereof.

And this deponent further says, that the claim hereinbefore referred to has never been presented to any branch or officer of the government.

And this deponent further says, that said printing and work is not covered by the contract for legislative printing.

GEORGE DAWSON.

Subscribed and sworn to before me, }
this 27th day of November, 1880. }

FLETCHER VOSBURGH,

Notary Public, Albany County, N. Y.

STATE BOARD OF AUDIT,
OFFICE OF SECRETARY OF STATE, }
ALBANY, N. Y., Dec. 8, 1880.

In the Matter of the claim of Weed,
Parsons & Co.
agst.
The State of New York.

William B. Ruggles, First Deputy Attorney-Gen'l, Counsel for the State; Hamilton Harris, Counsel for the Claimants.

TESTIMONY.

John D. Parsons, Jr., sworn in behalf of the claimants, testified:

Q. (Counsel for the claimants referring to the resolution under which the work was performed.) Were Weed, Parsons & Co. charged with the execution of that resolution? A. Yes, sir.

Q. Did they execute it? A. They did.

Q. Did they print the books in accordance with the resolution? A. Yes, sir; 6,000 copies; that was the number required under the provisions of the resolution as passed upon before, by the deputy secretary of State.

Q. This claim is for the printing of this 6,000 copies at \$2.50 each. A. Yes, sir; amounting to \$15,000.

Q. Have they been delivered? A. They have, all of them.

The witness produced the original concurrent resolution, certificate, statement of account, and receipt. The counsel for the claimants offered, and the same was received in evidence marked "AA," hereto annexed.

Cross-examination:

Q. How many of those reports did you print under the resolution of 1879? A. The same number; 6,000.

Q. In executing this order of 1880, you had no new plates executed? A. No, sir.

Q. You furnished them from the stereotype plates which you had in your possession? A. We did; yes, sir.

Q. In the printing of the last batch of 6,000, there was no expense of composition? A. No, sir.

Q. It was a matter of paper, binding, ink and press-work? A. That is all.

Q. Don't you think that \$2.50 is an extraordinarily large price for printing these volumes where there is no composition? A. No, sir.

Q. No expense for making the plates? A. No, sir.

Q. Can you tell what the paper would amount to—what number of reams of paper were used in printing the 6,000 books? A. I could tell by figuring it out.

Conceded that all the testimony bearing upon the question of the expense of printing the edition of the Seventh Annual Report of

the Adirondack Survey, furnished pursuant to concurrent resolution passed April 17th, 1879, as appears in judgment-roll No. 14, may be introduced in evidence as applicable to this case.

The following constitutes the testimony hereinbefore referred to, received in evidence in this case:

John D. Parsons, Jr., a witness sworn in behalf of the claimants, upon his direct examination in respect to the item of claimants' bill for printing 7,000 copies of the Seventh Annual Report of the Adirondack Survey, furnished pursuant to concurrent resolution of the Legislature, passed April 17, 1879, testified:

I know the bill and the fact that the work was done; it was done in pursuance of the resolution annexed to it; the price charged, \$24,500, is a fair price for the work done; the work was delivered and the receipt of the Secretary of State is annexed to the bill; it took more than a year to do the work.

Immediately upon the passage of the resolution in April, 1879, Weed, Parsons & Co. commenced work upon the report.

Upon the subject of the pending claim being for 6,000 copies of said report, under resolution of April 13, 1880, at the price of \$15,000, the witness, when the bill was shown, further testified:

That is the resolution under which that work was done, and that is the letter of the Deputy Secretary of State.

Letter and resolutions offered in evidence by the counsel for the claimant.

The counsel for the State objected to the item on the ground

1st. That it comes under the provisions of the printing contract of 1880.

2d. That there is nothing to show that the number ordered by the Deputy Secretary of State corresponds with the number mentioned in the resolution.

The same was received and marked Exhibit U. Claim subsequently withdrawn for the reason that the work, although done, has not been delivered.

* * * * *

Upon his cross-examination, the witness further testified:

The Seventh Annual Report of the Adirondack Survey was printed during 1879, by Weed, Parsons & Co., by authority of the resolution of the Legislature, under Mr. Colvin's order and direction; we left the estimate of the number required by the resolution to the Secretary of State, and we furnished the number called for.

* * * * *

We printed the Adirondack Survey under the resolution of 1880, \$15,000 (pending claim); the reason it don't come under the contract for legislative printing is, that it is not a document presented to the Legislature of 1880. We only agreed to print the documents presented by the Legislature of 1880 and 1881; this was presented to a previous Legislature.

The counsel for the claimant put in evidence section 3 of chap. 370 of the Laws of 1876, as follows:

"SECTION 3. A full report on the progress of the survey shall be annually presented, printed, to the Legislature, within sixty days after the meeting thereof."

Franklin Chase, a witness sworn in behalf of the State, testified:

I made, as well as I was able, an examination of the bill of Weed, Parsons & Co., for printing the report of the Adirondack Survey, under the resolution of April 17th, 1879, and for which they charged \$24,500. I should not want to give my opinion as an expert, because I am not acquainted with lithographing and engraving; I estimated the whole work at \$16,606. I did not have information in regard to the expense of lithographing; I estimated the lithographing work at so much a thousand impressions, but the engraving I had no proper data; I estimated the engraving according to the best of my judgment at \$1,700; I guess there were about fifty plates and maps, some very small and some very large: excluding the lithographing and engraving, my estimate would be for folding the

maps, \$227.50 ; pasting the double sheet maps, \$140 ; paper for the book aside from the maps, 130,700 sheets, at two cents a sheet, \$2,614 ; composition, 540 pages, at \$2.50 a page, \$1,350 ; press-work, 16 forms, at \$14 a form, \$224 ; binding 7,000 copies at 75 cents each, \$5,250 ; the paper for the maps and plates I estimate at \$1,571, and the printing of the maps and plates at \$3,540, and by adding \$1,690, my estimate for the engraving, I get the total amount of \$16,606.

The principal difference, as I should judge, between my estimate and the bill would be in the engraving and lithographing.

John D. Parsons, Jr., recalled and further testified :

The drawing, engraving and printing of these lithographs, as I figure, is worth \$14,336.75 ; that is simply the lithographing work, making the drawing, engraving, and cost of paper ; there are 67 forms in the press-work ; there are eight pages in a form.

I will explain in relation to binding, that to make room for the maps we have had to put signatures in the books, and after the books are done pull the signatures out ; I think there were nine signatures put in a book ; that took 63,000 of the signatures of 8 pages each, in order to make room for the maps, which paper had to be thrown away ; we took them out for the purpose of making room for the maps ; we made the estimate of the amount of paper to put in each place where there is a map, and cut that paper up for the proper size ; it is necessary to put in paper, bind up the book, and take the paper out to put in the maps.

Franklin Chase, recalled and further testified :

There are 533 pages in the book ; my former estimate, which was 16 forms, was a mistake ; it should have been 67 forms ; my estimate for press-work was about \$700 too low ; [increasing the estimate of the work to \$17,306.] My figures would show each volume worth \$2.33 ; my estimate for expense of printing, lithographing and paper for the maps and plates is \$6,801.

John D. Parsons, Jr., recalled, and further testified :

My estimate for the same work is \$14,336.75 ; I should say it was worth that ; we charge for drawing the pictures and maps, and engraving on stone, and the printing and paper and transfer ; our workmen drew the maps ; I think I have stated the matter fully ; I figured according to established rates and separately upon the lithograph plates, and the result upon the whole work is as I have stated ; we calculated there would be a profit on our usual rates ; I don't think it would average over 20 per cent profit on the lithographing work ; that would be my impression ; the rates have been established from experience.

Franklin Chase, recalled, and further testified :

I don't claim that my opinion is reliable on the cost of engraving at \$1,690 ; in arriving at those figures I took the book and estimated what I thought would be a fair price for each plate ; some of them I estimated at \$10 each ; some of the maps I estimated at \$150, and some at \$200. I have had no experience in drawing, but I judge the artist ought to draw them for the amount I estimate.

The counsel for the State objected to the allowance of this claim on the ground that there are about 1,700 copies of the report which are furnished and charged in the bill of the claimants in excess of what is required by the concurrent resolution dated March 18, 1880.

COUNSEL for CLAIMANTS (to John D. Parsons, Jr.) :

Q. In getting the number of copies to print, you followed the order of the Secretary of State ?

A. Yes, sir ; I followed the order the same as I did in the other case.

Testimony closed and case submitted for decision.

EXHIBIT "AA."

"STATE OF NEW YORK,
ASSEMBLY CHAMBER, ALBANY, *March 18, 1880.*" }

Resolved (if the Senate concur), that there be printed and bound in cloth ten copies of the last printed of Colvin's Survey of the Adirondacks, for the use of each senator and member of the Assembly of the Legislature of 1880, and two copies for each of the officers and reporters of the present Legislature.

By order of Assembly,

EDWARD M. JOHNSON, *Clerk.*"

"IN SENATE, *April 8, 1880.*

Concurred in with the following amendments: strike out the words 'ten copies' and insert 'twenty copies' in line four; strike out the words 'two copies' and insert 'five copies' in line eight, and add at the end of resolution the following: 'provided the cost shall not exceed the sum of two dollars and fifty cents per volume.'

By order,

JOHN W. VROOMAN, *Clerk.*"

"IN ASSEMBLY, *April 13, 1880.*

Amendments of Senate concurred in.

By order,

EDWARD M. JOHNSON, *Clerk.*"

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF NEW YORK, ALBANY, *April 14, 1880.*" }

Messrs. WEED, PARSONS & Co.: Under concurrent resolution of April 13, 1880, in reference to Colvin's Survey of the Adirondacks you will deliver 6,000 copies, that being number required as near as I can estimate the same.

Very respectfully,

ANSON S. WOOD,

Deputy Secretary of State."

STATEMENT OF ACCOUNT.

Legislature State of New York to Weed, Parsons & Co.:

November 19, 1880, 6,000 copies Colvin's Adirondack report furnished pursuant to concurrent resolution of the Legislature passed Assembly, March 18, 1880, and Senate, April 8, 1880, at \$2.50, \$15,000.

RECEIPT.

The books mentioned in the above bill have been delivered to the Secretary of State.

Dated *November 27, 1880.*

ANSON S. WOOD,

Deputy Secretary of State.

No. 25.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, Wednesday, December 8, 1880:

PRESENT—Joseph B. Carr, Secretary of State; James W. Wadsworth, Comptroller; Nathan D. Wendell, Treasurer.

No. 203.

In the Matter of the claim of John H. Morris, Administrator of Estate of James Cummings, deceased, <i>agst.</i> The State of New York.	}
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Claim for services and disbursements in raising a sunken vessel in the waters of the port of New York; amount claimed, \$7,321.33.

CLAIMANT'S STATEMENT.

The bark "J. H. McLaren" was, on the 24th day of November, 1871, sunk in the waters of the port of New York at a point to the westward and southward of the middle of the main channel of the bay, and, as was then believed and reported by the regularly licensed pilots and by the board of commissioners of pilots, within the limits and boundaries of Richmond county.

That she was the property of foreign owners, and had no agents nor any one to represent her here; that the pilot commissioners, under the provisions of the statute made for such cases, after endeavoring to find the agents or owners of said bark, and failing to do so, contracted with one F. W. Beers to remove her and her cargo, agreeing to pay him therefor the sum of \$3,750; that afterward Mr. F. W. Beers assigned his contract to Messrs. Morris & Cummings, who immediately proceeded to remove the wreck and her cargo.

That in the contract for such removal it was provided that the contractors should look to the county of Richmond for their pay, it being at that time supposed and represented by both the pilot commissioners, and the pilots of the harbor of New York, that the said bark lay sunken within the county of Richmond; that after the completion of the work a bill thereof was presented to the county of Richmond, who refused to audit and pay the same; and afterward, an action being brought against them, they succeeded in obtaining a decision, upon appeal, that the bark and the cargo were not within the county of Richmond.

The amount of the claim, including the expense and costs of the suit, is \$7,321.33, composed of the following items:

Judgment.....	\$5,113 77
Counsel fee and costs.....	1,564 85
Costs paid to Richmond county, defendants.....	642 71

\$7,321 33

The within claim has never been presented to any branch or officer of the government save as above stated.

We propose to examine the following witnesses: Ambrose Snow, President Pilot Commissioners, 87 Pearl street; A. T. Morris, Dredging, 45 Duane street; Daniel A. Nash, Secretary Board Pilot Commissioners, 40 Burling Slip; Ralph Noble, Sandy Hook pilot, 40 Burling slip; Joseph T. Martin, Ass't Pilot Commissioner, 20 South street; H. B. Todd, Secretary, 45 Duane street; John C. Heinman, 45 Duane street; F. W. Beers.

JOHN H. MORRIS, *administrator of*
estate of JAMES CUMINGS.

A. T. MORRIS.

Subscribed and sworn to before me, }
this 27th day of July, 1880. }

JAMES H. DONALDSON, *Notary Public* (14), *N. Y. Co.*

OFFICE OF THE SECRETARY OF STATE, }
ALBANY, N. Y., *Dec. 8, 1880.* }

No. 203.

In the Matter of the claim of John H. }
Morris, *Adm'r of Estate of James Cum-* }
ings, dec'd, }
agst. }
The State of New York. }

Wm. B. Ruggles, First Deputy Attorney-General, Counsel for the State; J. T. Brown, Esq., attorney, Rufus F. Andrews, Counsel for the Claimants.

TESTIMONY.

Certain of the testimony appearing in the printed case on appeal, entitled "The People on the relation of Augustus T. Morris and James Cummings, relators and appellants, *against* The Board of Supervisors of Richmond County, respondents," was, upon motion of the counsel for the claimant, and by consent of the counsel for the State, introduced and read in evidence as follows:

The counsel for the claimants first read in evidence a certain agreement in the words and figures following, that is to say:

Memorandum of agreement made this 12th day of September, 1872, between the board of commissioners of pilots of the city and county of New York, and F. W. Beers of the same place.

"The said board of commissioners of pilots, acting under the provisions of the act of the Legislature of the State of New York, being chapter 522 of the Laws of the State of New York, passed April 27, 1860, hereby authorize the said F. W. Beers to raise out of water and remove to some point or place beyond any navigable waters of the

port of New York, the bark *J. H. McLaren*, and her cargo and appurtenances, now lying sunken in the waters of the Port of New York, in the lower bay, west of the knolls, such raising and removal to be done pursuant to the provisions of the aforesaid act.

"And the said F. W. Beers, in consideration of said authorization, and of the sum of one dollar to him in hand paid by the said board of commissioners of pilots, the receipt of which is hereby acknowledged, agrees forthwith fully and completely to raise the said bark *J. H. McLaren*, and her cargo and appurtenances, and to remove them beyond any navigable waters of the port of New York, *and to look to the county of Richmond*, under the provisions of the aforesaid act, for his reasonable compensation therefor, being the sum of *three thousand seven hundred and fifty dollars*.

"And the said F. W. Beers further agrees that he will not, in any event, claim or demand any part of the said sum from the said board of commissioners of pilots, nor make any claim whatever against the said board, nor any individual member of the same, for any part thereof.

"And the said board of commissioners of pilots, on their part, agree to the reasonableness of the sum above specified for the work above mentioned, and to use all proper means in their power to aid the said F. W. Beers in collecting the said sum from the county of Richmond, provided the said bark *J. H. McLaren* and her cargo and appurtenances are fully and completely raised and removed, as hereinbefore provided."

In witness whereof, the said board of commissioners of pilots have caused this agreement to be subscribed by their president, and the said F. W. Beers hath hereunto set his hand the day and year above written.

AMBROSE SNOW,

[U. S. Revenue Stamp.]

President. [L. s.]

F. W. BEERS.

[L. s.]

Witness:

"Richmond" inserted in place of "New York," before signature "J. Johnson."

ASSIGNMENT.

NEW YORK, Oct. 4, 1872.

"For and in consideration of one dollar, the receipt of which I hereby acknowledge, I hereby assign and transfer to Messrs. Morris & Cumings all my right, title and interest to the within contract.

"Witness my hand and seal the day and year above written.

"F. W. BEERS. [L. s.]"

Witness:

"John C. Heinman."

Ralph Noble, called on behalf of the plaintiffs, being duly sworn, testified as follows:

Examined by Mr. HUNTLEY:

Q. What is your occupation? A. Sandy Hook pilot.

Q. Been so how long? A. Between twenty-five and thirty years; somewheres in that neighborhood.

Q. Did you pilot in the bark *J. H. McLaren*? A. Yes, sir.

Q. At the time she was beached or stranded? A. Yes, sir.

Q. Do you recollect when that was? A. November, 1871.

Q. Where did you beach her? A. Just inside of the outer bar.

Q. Describe what you did? A. I saw the vessel coming early in the morning, soon after daylight. I saw that there was some trouble on board; saw there was something the matter; she had a signal of distress flying. I went aboard and as soon as I saw her decks said I, "the vessel's sinking, ain't she, captain?" The captain said, "Yes." I said, "does the water gain on the pumps?" All hands were then pumping. He said, "yes, the water is gaining pretty rapidly." Well, said I, "under the circumstances, captain, you had better put her right on the shoals — right on the shore." We were inside of the Hook while I was holding this conversation with the captain; we were coming to the westward within the bay. Says I, "the best thing we can do, captain, is to go inside the buoy or spit and beach her on the horseshoe." The captain said, "I am bound to New York; don't you think the bark will float long enough to reach there?" "Very good," I said, if you will risk her, I shall have no objection." In the mean time we had gone along and got in the main ship-channel and continued on. By-and-by the mate spoke to me. Said he, "pilot, the vessel is sinking." Said I, "I knew that some time ago." We got to the south-west spit buoy. After we got to the south-west spit buoy the captain said he was sorry he had not taken my advice and put her ashore on the horseshoe. In the meantime I was keeping her on her course up the channel. We got abreast of the buoy of the knolls, and he says, "pilot, the vessel is sinking," and the men all abandoned the pumps. Then the water was on deck one foot. "Well," says I, "captain I am at your service; I will do what you think is for the benefit of all concerned." Says he, "put her ashore to prevent her sinking any deeper, as soon as possible." I said, "very well." Then I told the man to put her hard starboard — head her for Staten Island. We were going about north-west, steering direct for Staten Island, till she shoved up on the shoal, on the ground on the bottom. Then the captain went aboard of the steam-tug to go to New York to get the assistance of the wreckers, or anybody else he could get to save the vessel, if possible. In an hour, or rather in the afternoon, when the tide rose, the crew had to abandon her.

By DEFENDANT'S COUNSEL:

Q. You were there? A. My boat was; I left when the captain left to go to New York.

Q. Did you see her afterward? A. Yes, sir; I saw her afterward.

Q. After you left? A. I saw her day after day, week after week, continuously, until she was finally removed. She remained in the same spot until she was finally removed.

Q. Was she out of water? A. She gradually sank deeper into the sand, till the next winter following, when, I believe, the ice took her masts up. Soon after the masts were taken up the wreckers went to work to remove her entirely.

Q. Do you know whether she was an obstruction to navigation? A. Yes, sir.

Q. Dangerous? A. Yes, sir.

Q. Do small vessels and schooners pursue that course? A. They sometimes go that way; of course she would be an obstruction to them. It was about three fathoms where she was.

Q. That point—referring to spot on chart—is where she was sunk? A. No, sir; further up here. She was up in the neighborhood of the quarantine grounds, about one-half or one-third from the tail of the bank to this shoal. She was not there—up this way further.

Q. You never made any measurement? A. No, sir; only by my eye.

Q. Do you know where she was when you put her on the bottom? A. I do know; about one-third between this shoal, buoy of the knolls, and the tail of the west bank—some distance further north than the red spot which has been indicated on the chart. In my opinion, it is between the letters “W” and “E” on the chart. I say this from my judgment, and not from actual measurement.

Q. Do you know where the lower quarantine ground is? A. Yes, sir; it extends from the tail of the bank very near down to the knolls.

Q. Please show on the chart how far the quarantine ground extends? A. The quarantine ground extends down about north to the buoy of the knolls.

Q. Which way was the wind at this time? A. East-north-east at the time of this sinking, to the best of my knowledge. I would not say positive; it was well to the eastward—might be east-south-east or north-east.

Q. How was it blowing? A. Blowing strong, considerably so.

Q. Of course you could not put the vessel on the other side? A. She could not go anywhere near them on account of the shoals in that direction.

Q. You are a licensed pilot? A. Yes, sir.

Q. How long? A. By this board now since 1853.

Q. Before that? A. I was licensed by the board of port wardens.

Q. You were licensed before that by the board that had authority to license? A. Yes, sir. While she was coming up the swash channel, I asked him how much the vessel was drawing. He said she was drawing about eighteen feet. She might go down at any moment. The wind being eastward at the time, I thought it judgment to go into smooth water, get in the lee of the hook, which would shelter her from this easterly wind and sea. That is the reason I went into the main ship channel instead of the swash channel.

Q. How far, when she sank — how far west of the main channel?
 A. I should judge from one-quarter to one-half of a mile west of the main ship channel.

Q. Do you know that she was removed? A. Yes, sir.

Q. You knew that she was removed? A. Yes, sir.

By the COURT:

Q. Did you ever see any one at work removing her? A. Yes, sir; I saw the wreckers at work.

Deposition of F. F. Nes, read by plaintiff's counsel:

Fred. F. Nes, being duly sworn on behalf of the relators, testifies, *de bene esse*, under an order of court heretofore made, and says: I am forty years of age; am attached to the United States Coast Survey, in command of U. S. Steamer *Arago*; reside in York, Pennsylvania, and expect to leave the State of New York this evening or Monday morning early. [Chart shown in evidence.] This is the United States Coast Survey Chart; I know it to be correct; it is published by the Government of the United States; in the course of my official duty as surveyor, I did, on the 27th and 28th days of August, 1872, examine and survey the position of the wreck of the *J. H. McLaren*, and noted such position on the chart now shown me; at that time the wreck lay in the spot marked on the said chart by a red circle with a dot in the center, "wreck of the *J. H. McLaren*, August 27 and 28, 1872;" I am positive that that was the position of the wreck at that time; this position was the western side of the main ship channel; the dotted line running north and south to the east of this designated position of the wreck, represents the main ship channel.

Being cross-examined: I cannot state what was the location of the wreck before or after the 27th and 28th days of August, 1872. [The chart referred to is put in evidence, marked Exhibit "A." I don't think, as an expert, that the wreck could have moved after my survey; she was firmly fixed in the sand on the spot indicated on the chart; a heavy gale of wind might have moved her; the dotted line referred to does not run exactly north and south, but is marked "N. by E. 1-4 E.," and indicates the main ship channel.

FRED. F. NES.

Sworn to and subscribed before me, {
 this 10th day of October, 1874. }

GEORGE H. ADAMS,

Notary Public, County Kings.

It is admitted by plaintiff's counsel, in reference to Exhibit "A," that all the red lines and writings have been added since the deposition of Mr. F. F. Nes was taken, inadvertently; that the marks of the witness Nes are in three spots indicated on the chart — one as the place of the wreck, another to the eastward, marked shoal, another to the southward, marked Q. N. flag; it is also admitted on both sides that the additions were inadvertently made, and without considering that the chart was an Exhibit, and without the intervention of counsel.

Henry B. Todd, being called as a witness on behalf of the plaintiffs, and being duly sworn, testified as follows :

Examined by Mr. HUNTLEY :

Q. Were you connected with Morris & Cummings at the time of the removal of the bark *J. H. McLaren*? A. Yes, sir.

Q. In what capacity? A. General agent; transacted their business and attended to their matters.

Q. Do you recollect of the removal of this bark? A. Yes, sir.

Q. What time? A. It was in the fall of 1872.

Q. Did they entirely remove her? A. Yes, sir; I saw the keel and the beams about our wreck yard, and pieces of the copper and the nails, and I saw the keel that was in her.

Cross-examination by Mr. WESTERVELT :

Q. The material of the wreck and her contents were then taken by Morris & Cumings? A. Yes, sir, all that was worth any thing.

Plaintiffs' counsel reads the following notice from the letter-book of the pilot commissioners :

"To BRETT, SON & Co. :

"You are hereby notified, in pursuance of the provisions of chapter 522 of the Laws of 1860, to remove from the waters of the port of New York the bark *J. H. McLaren*, her cargo and appurtenances, now lying sunken on the west side of the ship channel, as described in the foregoing resolution, within three days after this notice, the same being, in the judgment of this board, an obstruction to navigation; and if you fail to comply with this notice, the said wreck will be removed at your risk and expense, as provided by law.

"AMBROSE SNOW,
"President."

The resolution annexed to the notice is the one already transcribed.

Defendant's counsel stipulates that the plaintiffs may furnish proof of the service of this notice without calling witnesses.

Plaintiffs offer in evidence the contract made between the board of commissioners of pilots and Mr. Beers, dated the 12th of September, 1872, and also the assignment of the contract by Beers to Morris & Cumings, dated October 4, 1872, and also the indorsement on the back of the consent of the commissioners of pilots to the assignment of the contract by Mr. Beers to Morris & Cumings.

Contract, assignment and consent marked Exhibit "B."

They are set out in the alternative mandamus, part of the judgment roll, except the indorsement on the back made by the commissioners of pilots, which is as follows :

"NEW YORK, October 4, 1872.

"This is to certify that the harbor commissioners consent to F. W. Beers assigning the within contract to Morris & Cumings.

"AMBROSE SNOW,
"President."

Mr. Huntley calls for the bill which was served on the president of the defendant's board.

Mr. Westervelt states that he will inquire about it, and produce it at the next meeting.

Plaintiffs rest.

Defendant's counsel moved to dismiss, on the ground that there is no evidence that this wreck was in the county of Richmond, or that she was removed therefrom.

Decision reserved.

Mr. Huntley offers in evidence the bill described in alternative writ, the same being produced by Mr. Westervelt, in answer to his call at the last meeting.

Bill received in evidence and marked Exhibit "C."

"NEW YORK, December 1, 1872.

Richmond County, Staten Island, to Morris & Cumings, Dr. :

Dredgers, contractors for removing submarine obstructions, and manufacturers of dredging machines. P. O. Box, 1489. Office, 45 Duane street.

For amount of contract made with Commissioners of Pilots for removing wreck of bark J. H. McLaren from the waters of Richmond county, west of knolls..... \$3,750 00

Approved :

AMBROSE SNOW,
President of Pilot Comm'rs.

GEO. W. BLUNT, *Secretary.*"

Henry B. Todd, recalled by Mr. HUNTLEY :

Examined by Mr. HUNTLEY :

Q. (Exhibit "C" shown witness) Have you seen that bill before?
A. Yes, sir.

Q. When and where and what did you do with it? A. I presented it to Mr. Vermeule—that is, the first bill.

Mr. Vermeule, it is admitted on both sides, was chairman of the board of supervisors of Richmond county at that time.

Q. Tell what was said? A. Some time after the presentation of this bill, I called on Mr. Vermeule and asked him if they had taken any action on it. He said to bring it before the board at the annual meeting; that they were to have an annual meeting in a short time. I asked him if they would take action on the first bill without putting me to the trouble of going to Richmond county. He said that it was necessary to have the bill verified—a *jurat* on it. I asked him if there was any different form in use in Richmond county. He said there was no particular form of verification. I then went down to the office and drew the *jurat* for Mr. Cumings, and he swore to it. I then

took the verified bill to Mr. Vermeule, who said he would present it to the board of supervisors at the next meeting, the next day or the next day but one.

Q. Did you see Mr. Vermeule after that? A. I did.

Q. What did he say? A. I asked him what action the board had taken on it. He said the board of supervisors had concluded to contest the thing.

Q. Did he state any thing more? A. No, sir; that they thought they were not liable; that they were not required to do it.

Cross-examination by Mr. WESTERVELT:

Q. Will you fix the date at which you gave this bill which you have spoken of to Mr. Vermeule? A. In October.

Q. October of what year? A. I think 1873.

Q. In October, 1873? A. I think that was the date. It was a long time after the first bill was presented; I think it was in October; it was after the fall election; it was late in October, on or about the time of the election.

Q. That you presented the bill to Mr. Vermeule? A. Either October or November; I don't know which.

Q. It was about the first of November, 1873, or the latter part of October, 1873? A. Yes, sir.

Q. How long was it after you had the interview with Mr. Vermeule that you presented this bill? You speak of having presented the first bill, and that you afterward called on him, and he stated that it needed a verification; how long after he said he needed a verification was this bill presented with a verification? A. The next day or the same day.

Q. Do you understand this to be your answer; that the bill, with the verification, was presented to Mr. Vermeule the next day or the same day after the conversation in which he stated that a verification was needed? A. The same or a few days after.

Q. That was about October, 1873, or November, 1873? A. Yes, sir, that is my recollection.

Q. How long before that time had the bill been presented without the verification? A. Nearly a year.

Q. Any bill since the one with the verification? A. No, sir, not to my knowledge.

Q. Was there any one presented, to your knowledge, to the board of supervisors, or brought before them, between the presentation of the first bill and the verified bill? A. No, sir.

Q. Do you know of any other bill being presented besides Exhibit "C," which was the bill presented, and the one with the verification? A. No, sir.

Q. And that was October or November, 1873? A. Yes, sir.

Re-direct:

Q. Where did you deliver that bill Exhibit "C," to Mr. Vermeule? A. At his office in Broadway, New York, both of them. The first bill was presented shortly after the annual meeting of the board of supervisors, too late for that year. Then I left it lie over until the

following October or November, till about the time of the next annual meeting, when I brought the matter up again.

Q. What were those materials worth? A. The wreck was worth nothing; there was some value attached to some copper, and also there was some coal of some value. The copper was worth something less than \$100, and the coal how much I don't know; I don't know how much there was of it.

Q. This coal had been soaking in the salt water? A. Yes, sir, over a year.

Plaintiff now rests, reserving proof as to search for agent of the vessel and demand on reported agent to remove the wreck.

Clarence Delafield, called as a witness on behalf of the defendant, being duly sworn, testified as follows:

Examined by Mr. WESTERVELT:

Q. What is your profession? A. Civil engineer.

Q. How long have you been engaged in that profession? A. Since 1849; that would make twenty-four years.

Q. (Exhibit "A," shown to the witness.) Have you seen that paper before? A. Yes, sir.

Q. Just state what it is? A. It is a chart of New York entrance, coast survey, New York entrance, United States Coast Survey.

Q. Showing the lower bay, position of the lower bay, and the surrounding shores? A. Yes, sir.

Q. Draw your attention to the spot marked in red, "wreck of the J. H. McLaren?" A. Yes, sir.

Q. Have you made a measurement upon that chart of the distances of that spot so marked from the shores of Staten Island and New Jersey? A. Yes, sir.

Q. Will you state now from that measurement how the distance of that spot to the nearest point on the Staten Island shore compares with the distance of that spot from the nearest point on the Jersey shore? A. I have, by two methods, both graphic and by scale. By graphic I put one point of the compass upon the shore on Staten Island, nearest to the location of the wreck; also upon the point upon the Jersey shore, on Sandy Hook nearest the wreck. By that method I found that the location of the wreck was nearer to the point I took on the Sandy Hook shore, than to the point I took on the Staten Island. The other method was by scale, like the scale on the chart; I took the same points on the chart. The scale of distances is indicated on the bottom of the chart; that showed the same result; I have a memorandum that shows the difference by scale in feet; each point I took on the shore was the nearest to the wreck.

Cross-examination by Mr. HUNTLEY:

Q. Did you measure the distance from any other point on either shore to the location of the wreck? A. No, sir; not if I understand the question.

Q. Please mark on this chart the point you selected as being nearest to the Staten Island shore? A. I have got it marked, sir (the place marked).

Q. Which point on the Sandy Hook shore did you take? A. I ascertained the nearest point on each shore, by putting one point of the dividers on the wreck, then by describing a curve, ascertained, which was the nearest point indicated by the curve on each shore; this mark on the Staten Island shore indicates the point which I took for the nearest point. (That point on the Staten Island shore indicated by the witness is identified by the initials, S. P. N.)

Plaintiffs' counsel produces a printed report of the proceedings of the board of supervisors of the county of Richmond, for the year 1873.

Defendant's counsel consents that the printed record be read as if original minutes were produced.

Mr. Huntley reads from the printed record of the proceedings of the board of supervisors of the county of Richmond, for the year 1873, under date of June 28, 1873, page 10, as follows :

" A bill was presented by Morris & Cumings of \$3,750, for removing wreck of bark J. H. McLaren from the alleged waters of Richmond county, west of the knolls.

" On motion—

" *Resolved*, That the said claim be laid upon the table.

" Carried, all voting aye."

Also from page 20, at a meeting of the board of supervisors of Richmond county, on the 11th of November, 1873 :

"Amounts and claims against the county of Richmond in the possession of the board of supervisors thereof, upon the morning of November 11, 1873, being the fourth day of the annual meeting of said board."

And at page 22, among the list of these bills :

" No. 71, presented November 11, 1873. Morris & Cumings; name of party presenting, James Cumings."

Also from page 31, from the proceedings of a meeting held on the 20th of November, 1873 :

" Bills No. 64, 66, 71, were referred for further inquiry."

Also from page 96, of the same proceedings, under the headings as shown on page 94, as follows :

" A list of names of every individual having presented claims against the county of Richmond, and amount allowed by the board of supervisors, for the year 1873."

Bill No. 71. " Morris & Cumings, for raising wreck," under head amount claimed, "\$3,750;" under head amount allowed, "blank."

Clarence Delafield, recalled by the defendant, being duly sworn, says:

Examined by Mr. WESTERVELT :

Q. Will you also show on the map, Exhibit "A," which is the nearest point on the Jersey shore to the wreck in the same manner?

(Witness indicates the point on the New Jersey shore, which is indicated by the initials S. P. N. and a cross.)

Q. In measuring by scale or by dividers the distances, respectively, of the wreck to those several marked points on the Staten Island and New Jersey shores, to which of the points is the wreck nearest? A. The Sandy Hook shore—New Jersey.

Q. Will you state how much nearer? A. By the measurement I made, 1,080 feet.

Q. You say that the distance from the wreck to the point marked on the Sandy Hook shore is 1,080 feet less than the distance from the wreck to the nearest point on the Staten Island shore? A. Yes, sir.

Q. Will you make me a line from Point Comfort to the point on Staten Island marked H, near the entrance to the Great Kills?

(Witness does so.)

Q. Now mark on the map the middle point of that line you have just drawn? A. It is shown by the red line now on the map.

(Witness marks it.)

Q. Now measure the distance from the marked point on Sandy Hook, marked S. P. N. with a cross, to the nearest point on the Staten Island shore; draw a line from there to the nearest point on the Staten Island shore.

(Witness does so.)

Q. And bisect that?

(Point marked by the witness.)

Q. Now draw a line from the point marked H. and the point on the Sandy Hook shore marked S. P. N. and bisect that?

(Point marked.)

Q. Draw a line from the point near the Narrows on the Staten Island shore to the point marked on the Sandy Hook shore, and bisect it.

(The four points given by the witness in answer to these questions are marked 1, 2, 3, 4, in red ink, with the initials S. P. N.)

(Mr. Delafield produces duplicate of Exhibit "A.")

Q. The paper now shown to you is a map of the lower bay and along through the Narrows, and is duplicate of the map already in evidence—Exhibit "A." A. Yes, sir.

(Paper marked, Exhibit "A.")

Q. Will you point out the position of the wreck as taken from Exhibit "A?"

(Point marked by witness.)

Q. Have you, taking the wreck as a center, described on this map circles touching, respectively, the nearest points on the New Jersey and Staten Island shores? A. Yes, sir; the inner red circle is the one that touches the nearest point on the New Jersey shore, and the outer red circle is the one that touches the nearest point on the Staten Island shore.

Q. The result of this is that the wreck is nearer to the New Jersey shore by the distance between the two circles' radii; have you laid down on this map the shortest line between the Jersey shore at Sandy Hook and the Staten Island shore? A. Yes, sir.

Q. Will you point out that line? (Point marked by witness.)

Q. This line indicates the shortest distance between the Staten Island shore and Sandy Hook? A. Yes, sir; the shortest line referred

to is the one that passes through the letter, "O" in the word "lower," and running from Sandy Hook to the Staten Island shore, near the great Kills.

Q. Have you, by measurement, ascertained the middle point of that line? A. Yes, sir; it is the point at which that line is intersected by the other red line running lengthways through the bay.

Q. Have you on this map drawn a line from the Sandy Hook shore to the Staten Island shore through the wreck? A. Yes, sir.

Q. Have you ascertained the middle of that line? A. Yes, sir; it is the same point at which the same heavy red line intersects it as the other.

Q. Have you drawn a line which shows the shortest distance between the Sandy Hook and the Long Island shore? A. Yes, sir.

Q. Have you found the middle part of that line? A. Yes, sir; it is the point at which the heavy red line intersects that.

Cross-examination by Mr. HUNTLEY:

Q. In the measurements you have made have you given any importance to the New Jersey shore as it approaches Sandy Hook in a line going east or south-east? A. Yes, sir.

Q. What importance have you given to it? A. I have made allowance of it up to Point Comfort.

Q. Between Point Comfort and Sandy Hook have you given any importance to the Jersey shore? A. I have made the measurement, but I have not illustrated it.

Q. Are those illustrations on the chart? A. They are not illustrated on the chart, no, sir; the measurements were made but were not exhibited.

Q. In the testimony you have given in answer to Mr. Westervelt, have you said any thing about the measurements which you have stated you made on the Jersey shore, but which are not illustrated on the chart? A. No, sir.

Q. I understand you to say that you have made no measurement of the portion of the New Jersey coast adjacent to Sandy Hook bay? A. No, sir; nothing illustrated on the chart.

George W. Blunt, called as a witness on behalf of the plaintiffs, being duly sworn, testified as follows:

Examined by Mr. HUNTLEY:

Q. How old are you? A. Seventy-three in March.

Q. What has been your business? A. Well, first of all I was a sailor; then I was a hydrographer for over fifty years; I have been pilot commissioner for over thirty years.

Q. You are the author of "Blunt's Coast Pilot?" A. My father was the author of the original "Coast Pilot."

Q. It has descended to you and you now publish it? A. No, sir, I sold it to the government.

Q. Are you acquainted with the harbor of New York? A. Yes, sir; I helped survey it in 1872.

Q. Do you claim to have a very complete knowledge? A. No, sir; I claim to have as much knowledge of it as any ordinary intelligent man with great experience could have, and no more.

Q. Be kind enough to look at the chart marked Exhibit "A"? A. Yes, sir.

Q. And state whether you are acquainted with Raritan bay and the lower bay? A. I know generally about the channel.

Q. Do you know generally about the channel? A. I do.

Q. Be kind enough to tell me on the chart where the channel would be? A. By reference to the figures on the map, all the lines on the eighteen foot figures I call the edge of the channel.

Q. And the middle of the channel, what do you call the middle of the channel? A. Midway between the two points of eighteen feet; I should draw the nearest lines to the projecting points.

By the COURT :

Q. You get the nearest points on the edge of the channel, as indicated by a depth of about eighteen feet, and then take midway between them in order to get the middle of the channel? A. Yes, sir.

Q. Be kind enough to look at Exhibit "A" and state who drew this red line? A. That was drawn under my direction by Mr. Martin; I took the statutes of the State to guide me in making it.

Q. And you drew it to represent what? A. I drew it to represent the middle line between the two States.

Q. Be kind enough to extend it, this red line, and state where you think it should come to reach the open sea? A. I should extend the red line in the same direction until it reached the open sea.

Cross-examination by Mr. WESTERVELT:

Q. Does this red line, this east and west red line, which you have drawn, represent your idea of the middle of the waters between Staten Island and New Jersey? A. Yes, sir.

The red line referred to by the witness is the one that starts from the letter "t" in the word "Raritan."

Charles Rarttig, called as a witness on behalf of the plaintiff and examined in reference to another copy of Exhibit "A," marked Exhibit "A B," being duly sworn, testified as follows.

Examined by Mr. HUNTLEY:

Q. What is your business? A. Draughtsman and engineer.

Q. And have been so how long? A. Twenty years.

Q. Have you drawn the red lines on the chart now before you? A. Yes, sir; the red lines in Raritan bay and lower bay, shown upon this chart, are lines which I have drawn from various points on the Staten Island and the New Jersey shores, with lines bisecting them at points midway to the various points.

Q. Have you located on this chart the wreck the same as on the chart, Exhibit "A"? A. I have not located it on this chart at all; it was given to me with the wreck located on it. It is located on this chart on the same place which is indicated by the pencil mark.

Q. In your judgment and opinion, is the red line you have drawn, running nearly east and west, the center line of the lower bay and Raritan bay, as far as it extends, until it intersects the line running from Sandy Hook to the Staten Island shore? A. It is.

Cross-examination by Mr. WESTERVELT :

Q. Is not the portion of the red line between the two points which connects the east-most of the dotted red lines and intersects the letter "y" in the word "bay," nearer to the nearest point on the New Jersey shore at Sandy Hook than to any portion of Staten Island? A. It must be, for it is drawn from a radius showing the shortest distance between Staten Island and the Hook.

Q. And between the same two points is not this red line nearer Sandy Hook than Long Island? A. Yes, sir.

Joseph T. Martin, called as a witness in behalf of the plaintiffs, being duly sworn, testified as follows:

I made inquiry of Brett, Son & Co., and they said they were the agents for the wrecked vessel, and I thereupon served upon them the notice of which the one marked Exhibit "C," in these proceedings, is a copy.

Notice referred to by witness, with affidavit of service attached, is put in evidence and marked Exhibit "C."

OFFICE OF THE BOARD OF COMMISSIONERS OF PILOTS,
No. 75 SOUTH STREET,
NEW YORK, August 20, 1872. }

"At a meeting of the board of commissioners of pilots, held this day at their office, No. 75 South street, in the city of New York, the following was, on motion, adopted :

"WHEREAS, The bark J. H. McLaren lies sunk in the waters of the port of New York, on the west side of the main ship channel, above the knolls, and, in the judgment of this board, she is an obstruction to navigation, and should be removed ; therefore,

"Resolved, That the president of this board be, and he hereby is, authorized and directed to cause the proper party or parties to be notified to remove the said wreck, and her cargo and appurtenances, from the waters of the port of New York within three days after this notice ; and in case the said wreck be not so removed, then the said president is hereby authorized to take all necessary steps to cause the same to be removed, as provided by law.

"To BRETT, SON & Co.:

"You are hereby notified, pursuant to provisions of chap. 522 of the Laws of 1860, to remove from the waters of the port of New York the bark J. H. McLaren, and her cargo and appurtenances—
[Assem. Doc. No. 8.]

now lying sunk on the west side of ship channel, as described in the foregoing resolution, within three days after this notice, the same being in the judgment of this board an obstruction to navigation; and if you fail to comply with this notice, the said wreck will be removed at your risk and expense, as provided by law.

"By order of the board of commissioners of pilots.

"AMBROSE SNOW,

"President."

I served the notice on Brett, Son & Co., as is fully stated in the affidavit annexed to the copy of the notice Exhibit "C."

The following facts were conceded by the respective counsel :

On the 12th of September, 1872, an agreement was made between the board of commissioners of pilots of New York and F. W. Beers, for the removal of the wreck mentioned in the statement of claim, for the sum of \$3,750.

That the agreement was assigned October 4, 1872, by F. W. Beers to Augustus T. Morris and James Cumings, of the firm of Morris & Cumings. That thereafter Morris & Cumings removed the sunken vessel referred to in the petition. That the work was completed on the 17th of November, 1872. That thereupon proceedings by mandamus were commenced against the board of supervisors of Richmond county by Morris & Cumings to recover the expenses of removing the obstruction. That issue was joined by the filing of a return by the board of supervisors. That the case was referred to Stephen P. Nash, as referee to hear and determine the issue. That said referee made a report as referee December 24, 1875, in favor of the plaintiffs. That judgment was thereupon entered for the sum of \$5,113.77 on the 21st of January, 1876. That an appeal was taken January 28, 1876, to the General Term of the Supreme Court by the board of supervisors. That the General Term on the 1st day of December, 1876, reversed the judgment entered on the report of the referee. That on the 10th day of February, 1877, the plaintiffs took an appeal to the Court of Appeals, and the judgment of the General Term was affirmed by the Court of Appeals, 73 N. Y. 393, on the ground that the wreck was not within limits of Richmond county, but was within the limits of the State of New Jersey.

The counsel for the claimant offered in evidence the certificate of the surrogate of the city and county of New York certifying to the record that letters of administration of the goods, chattels and credits of James Cumings, deceased, were duly issued to John H. Morris, the claimant herein. The same was received, and is hereto annexed, marked Exhibit "A."

Evidence closed and case submitted for decision.

Points raised by the counsel for the State.

The original contract price for the removal of the wreck was stipulated at \$3,750.

The cost of litigation in default of payment under the contract, composed of interest, counsel fees and costs, amounts to \$3,571.33.

The two items constitute the amount of the claimant's claim.

The subject of the original claim is *res judicata*.

The Court of Appeals held, by judgment of affirmance, that the wreck was not within the territorial limits of the county of Richmond, but was within the limits of the State of New Jersey. (73 N. Y. 393.)

The subject of the claim is an expense not properly chargeable against the State of New York.

At a meeting of the State Board of Audit, held at the office of the Secretary of State, December 22, 1880:

PRESENT — Joseph B. Carr, Secretary of State; James W. Wadsworth, Comptroller; Nathan D. Wendell, Treasurer.

No. 203.

In the Matter of the claim of John H. Morris, adm'r of estate of James Cummings, deceased,

agst.

The State of New York.

On motion, ordered that the claim of John H. Morris, administrator, etc., for services and disbursements in raising a sunken vessel in the waters of the port of New York, be disallowed.

EXHIBIT "A."

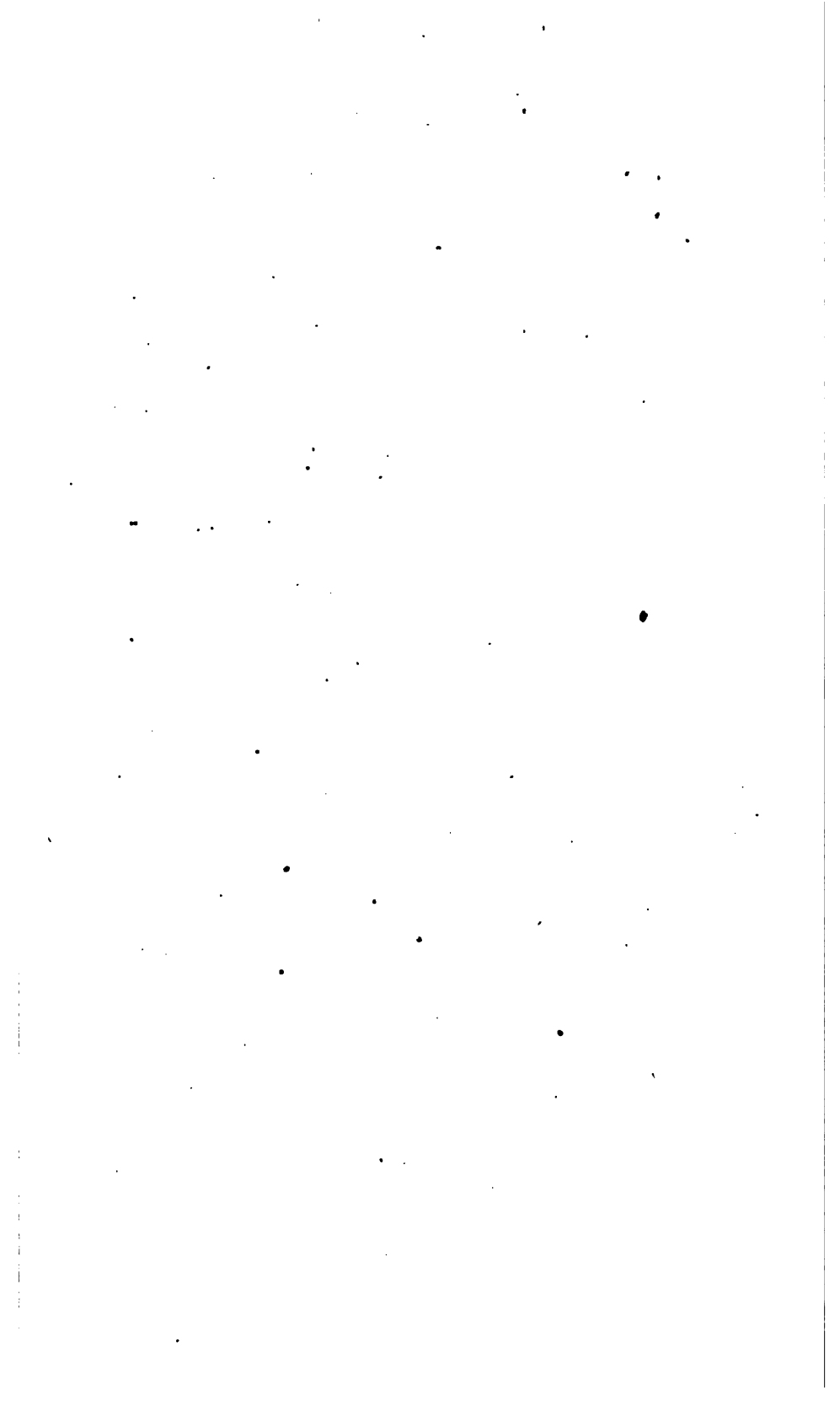
The People of the State of New York, to all to whom these presents shall come, or may concern, send greeting:

Know ye, that we, having inspected the records of our Surrogate's Court, in and for the county of New York, do find that on the 11th day of February, in the year one thousand eight hundred and eighty by said court, letters of administration of the goods, chattels and credits of James Cummings, late of the city of New York, deceased, were granted and committed unto John H. Morris of said city and that it does not appear by said records that said letters have been revoked.

In testimony whereof, we have caused the seal of office of our said Surrogate to be hereunto affixed. Witness, Delano C. Calvin, Surrogate of our said county, at the city of New York, the 14th day of December, in the year of our Lord one thousand eight hundred and eighty.

SETH V. BURTSSELL,

Clerk to the Surrogate's Court.



STATE OF NEW YORK.

No. 9.

IN ASSEMBLY,

JANUARY 5, 1881.

NINTH ANNUAL REPORT

OF THE LE COUTEULX ST. MARY'S INSTITUTION OF
DEAF MUTES, BUFFALO, TO THE LEGISLATURE OF
THE STATE OF NEW YORK, FROM SEPTEMBER 30, 1879,
TO SEPTEMBER 30, 1880.

To the Honorable the Legislature of the State of New York :

I take great pleasure in presenting to your honorable body the regular annual report of the Le Couteulx St. Mary's Institute for Deaf Mutes.

In it you will find a careful and succinct revision of the past year's work, as well as the petition relative to the ensuing year.

As regards the educational advancement, I have heard naught but flattering reports. Indeed, from my own personal observation, I can perceive that nothing is left undone to secure the greatest possible success in mental and moral culture.

To those alone possessing knowledge inseparable from experience is it patent how laborious is the task of educating the deaf mute, and how herculean and persevering the efforts requisite for obtaining the same.

To arouse the memory heretofore dormant, to kindle in their darkened souls the beautiful light of reason, and a knowledge of their destiny, are tasks little known or felt by the outer world. Deprived of one of God's choicest blessings, the sense of hearing, and consequently the power of speech, the deaf mute can never enter into the feelings of, or hold communication with, those around him.

They never hear the cheering sound of music, but they are debarred from hearing a more delicious and potent sound, the sweet sound of father's or mother's voice. Mother or sister cannot reach them, or render them assistance. It requires a superior power to rescue them from their perilous position.

What a great work, then, for instructor. What an appreciation of labor for State, to stretch forth the hand of charity to this truly

afflicted class of fellow-beings, and adorn them with accomplishments rendering them useful and ornamental members of society, from which they have been so long ostracised.

The providence of God has been visibly realized in the preservation of the inmates of the institution from the ravages of sickness. No case of any serious nature has occurred during the entire year. Indeed, the possession of a most healthy location, the commodiousness of apartments, and the extreme care and vigilance of those in charge, render the introduction of disease in any malignant form comparatively impossible.

The closing exhibition exercises were a special feature of the year. They elicited the praise of an appreciative public in general, and surpassed the expectations of most sanguine friends. They disabused many of their false notions, and proclaimed, by unmistakable evidences, that deaf mutes, as well as other members of society, are capable of comprehending the sublime moral and mental truths God has implanted in the heart of every human being.

As you will perceive from the report of the principal, many improvements have been and are still being made. The completion of the east wing, in order to secure more ample apartments, the introduction of steam-heating apparatus to increase the comfort and contentment of the pupils during Buffalo's long and quite severe winter season, the widening the main stairs in order to throw more light throughout the center of the building, and all other improvements, have been made with an eye to utility alone. It is true the value of the property is enhanced, but this is only a concomitant circumstance. To prosecute this work, means are an indispensable requisite.

To obviate the difficulties attendant upon such prosecution, loans had to be obtained. Various circumstances contributed to this necessity, among which may be cited the unexpected reduction of the allowance for each pupil, and the non-appropriation for the full number of pupils actually present and legally appointed. For the past two years the number of pupils appropriated for was fifty, though we had considerably above that number. In previous reports we asked an appropriation, first for sixty, afterward for seventy pupils, but for some reason our petition was overlooked. Hence arises a deficit due us by the State. We most respectfully request your honorable body will supply this deficit; and also petition an appropriation for eighty pupils, the estimated number for the ensuing year.

The institution having been admitted to the participation of State privileges cannot close its doors to applications regularly made. Now all these extra pupils as yet unappropriated for have been legally appointed by the supervisors of their respective places of residence, and confirmed by the Hon. Superintendent of Public Instruction, and we trust our petition may not be deemed undeserving of that recognition which we feel your honorable body is disposed to grant to all legally authorized measures.

T. F. HINES, *President.*

REPORT OF THE PRINCIPAL.

To the President of the Board of Trustees :

DEAR SIR—We have prepared, as by law required, the report of our institution for the year, from September 30, 1879, to September 30, 1880, and now submit it to you for presentation to the Legislature.

There were in the house at the time of our last report 115 pupils. There are now 130 ; seventy-three boys and fifty-seven girls.

These are classified as follows : State pupils of New York, sixty-five ; county charges of New York, forty ; State pupils of New Jersey, one. The remaining twenty-four are provided for from private sources.

EDUCATION.

We have ten teachers in the school. We have made no change in the class hours, nor have we added any thing material to the course or method of studies. In imparting to our pupils such knowledge of language that they can understand the spoken, written or printed words and thoughts of others, and express their own thoughts in a manner intelligible to all with whom they have to hold intercourse, a great work has been done for them ; and during the acquisition of this work the knowledge of arithmetic, grammar, geography, the main facts of history, etc., moral and religious truths are imparted, so that they seldom leave us without being well grounded in the essentials of a plain, solid education.

A deaf mute possessing the mental equipment we have alluded to, and having, moreover, mastered some good trade (we provide for this also), stands a fair chance of victory in the battle of life. We spent the few last weeks of the scholastic year in review of studies and examinations in presence of the officers and teachers of the institution. A few of the compositions given on that occasion will be appended.

Now, a word as to our method of imparting instruction. We have in previous reports, in intercourse with the parents or friends of our pupils, in interchange of thought with the teachers in other institutions of similar character, repeatedly asserted our preference for the combined method ; a preference based on experimental knowledge of that method's efficacy

We represented our Institution at the Fourth Annual Conference of the Principals of the American Institutions for Deaf Mutes, which was held at Northampton, Massachusetts, last May. The paper, which we prepared by request for that occasion, we may appropriately reproduce here, as the expression of our views as a teacher of deaf mutes. (Will appear in our printed report.)

It was a great satisfaction to us that our sentiment and practice were publicly approved by Dr. Peet of New York, President Gallaudett of Washington College, and the Rev. T. Gallaudett — men who have a world-wide reputation as educators of the deaf mutes — as well as by the principals of the majority of the larger and older institutions.

We speak thus in no vaunting spirit; the method is of our *adoption*, not of our *creation*.

At the close of the last scholastic year, our pupils had a public examination and exhibition in St. Stephen's Hall, Buffalo. It was witnessed by the usual representation of city officials, clergy and relatives of the pupils; but in addition to these there was a large attendance of persons drawn thither by curiosity. These latter, we have been told, were pleasantly surprised. Both the examination and the lighter exercises of the exhibition proper passed off satisfactorily. From among the kind reports given by the local press, we select the following. (Will be seen in print.)

While holding to what has stood the test of use in our schools, we are not conservatives. To every new invention, to every improvement in existing appliances, we give cordial welcome and fair trial.

When the audiphone was introduced we had it tested here, but the *result* was not satisfactory. To deaf mutes struggling to master the elements of language, it would only be a distraction. Intelligent and advanced pupils may be benefited by its use, particularly where the loss of hearing is the result of disease or accident, and they remember the sensation of hearing. But the *partially deaf* are the class who will find the audiphone of any advantage, and we have already heard some of these testify to its usefulness.

INDUSTRIES.

The majority of our pupils, being of tender age, are not engaged in any special industry, except that they are trained in those self-reliant, helpful ways that they will need both in home life and business life hereafter. Of those who are old enough to be instructed in trades, both boys and girls are employed in tailoring and type-setting. The girls have opportunity to learn the use of the sewing machine, plain sewing, fancy work, dressmaking, etc., besides all manner of household work. The printing office is a specially satisfactory feature of our industrial department. It has nearly completed its third year of existence, and may be pronounced an

assured success. An eight page paper, issued once a week, is printed and mailed from here. Visitors to Buffalo often come to see the little type-setters at work, and wonder that deaf mutes should have such aptitude for this employment.

HEALTH.

This subject can be dismissed briefly. We have had scarcely any sickness — none at all of a serious character — and no deaths during the year.

We are bound to trust in Providence, but it would be presumptuous to expect Divine Providence to ward off the results of human indifference or neglect. So we endeavor, by securing good ventilation and drainage, furnishing comfortable beds and abundant varied and wholesome diet, and allowing a fair share of open-air exercise and recreation, to maintain our pupils in mental and bodily vigor.

Our physician, Dr. G. E. Mackay, is vigilant and considerate as ever, and our infirmarians fulfill their duties in a spirit of love and cheerfulness.

BUILDINGS AND IMPROVEMENTS.

We completed during the year the east end wing of our building, thus finishing the plan of the Institution.

This addition has a front of thirty feet and a depth of seventy-two feet. It is of brick, four stories in height, with stone basement. The girls' dining-room occupies the basement. The first floor is devoted to assembly room and exhibition purposes.

On the second floor are the class-rooms of the I, II and III departments. The fourth and fifth floors are laid out in dormitories, bath-rooms, etc. New porches have been erected, connecting the buildings; and outside stairs have been put up for the boys' use.

The main stairs of the Institution have been altered from the former rather steep and narrow arrangement to a circular stair-case with air and light down through the building from the roof.

The erection of this addition necessitated, of course, changes of partitions, etc., throughout the house; much painting, graining, kal-somining, etc., have also been done. We are now having the old hot-air furnaces removed and the apparatus for steam-heat introduced through the entire Institution.

All thus far mentioned involves an outlay of about \$16,000, and not one cent of this money goes for purposes of mere ornament or display, which, to our thinking, are sadly out of place in a building erected at the people's expense. The beauty of order, cleanliness and decent comfort is all that should be aimed at in a place like this.

In our last report, we requested an appropriation for seventy State pupils. The appropriation granted, however, was but for fifty.

We trust this will be remedied, as we have been embarrassed to provide for those appointed, but not allowed for in said appropriation. We now respectfully ask for an appropriation for eighty pupils, in order to provide both for those at present appointed and for those likely to be appointed during the coming year. Thanking all with whom I have intercourse for their kind, courteous and confident co-operation with me in the discharge of our respective duties. Trusting under Providence for a continuance of the same favors in the future as in the past.

Respectfully submitted,

SISTER MARY ANNE,

Principal.

TREASURER'S REPORT.

Financial Statement of the Institution for the year ending September 30, 1880.

RECEIPTS.

Cash on hand October 1, 1879.....	\$325 99
Received from State Comptroller of New York, for State pupils	12, 125 00
Received from boards of supervisors for county pupils:	
Erie county	5, 522 85
Monroe county.....	1, 405 00
Oswego county, '78 and '79	1, 002 28
Kings county.....	915 00
Albany county.....	194 55
Wayne county.....	450 00
Chemung county.....	805 00
Chautauqua county.....	60 00
Cortland county.....	137 50
Niagara county.....	60 00
Orange county.....	550 00
Onondaga county.....	275 00
Rensselaer county	364 73
Saratoga county.....	137 50
Seneca county.....	268 53
Schuyler county.....	30 00
St. Lawrence county	30 00
Yates county.....	56 30
New York county.....	257 48
	\$12, 016 67
Received from Comptroller State of New Jersey....	350 00
Received from parents and guardians pupils private.	1, 709 32
Received from work: printing, \$693.03, caning, \$45.64.....	738 67
Received from donations and voluntary contributions.	119 40
Received from loans mortgage on property.....	6, 000 00
Total receipts.....	\$33, 385 06

EXPENDITURES.

Salaries, wages and labor	\$6, 475 00
Provisions and supplies	8, 115 00
Fuel and lights	1, 207 00
Clothing, bedding and dry goods	2, 103 00
Medicines and medical attendance	237 00
Furniture, bedsteads, etc.	329 00
Ordinary repairs, hardware	196 00
Books, maps, charts, etc.	137 00
Incidental expenses	325 00
Total expenses current.....	\$19, 124 00

SPECIAL.

Paid principal on mortgage	3, 000 00
Paid interest on mortgage	434 93
Paid other indebtedness due '79	1, 500 00
Paid on new building	8, 989 00
Total expense.....	\$33, 047 93

Cash on hand October 1, 1880, \$337.13.

VALUATION OF THE PROPERTY OF THE INSTITUTION OCTOBER 1, 1880.

Total valuation of property of all kinds.....	\$58, 000 00
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INDEBTEDNESS OF THE INSTITUTION, OCTOBER 1, 1880.

Indebtedness upon real estate due to bank	\$8, 000 00
Indebtedness upon new building	4, 000 00
Indebtedness loans from friends	2, 000 00
Total.....	\$13, 000 00

Respectfully submitted,

SISTER MARY ANNE BURKE,

Treasurer.

TWELFTH

ANNUAL REPORT

OF THE

TRUSTEES

OF THE

Millard Asylum for the Insane,

For the Year 1880.

TRANSMITTED TO THE LEGISLATURE JANUARY 14, 1881.

ALBANY:
WEED, PARSONS AND COMPANY.
1881.

STATE OF NEW YORK.

No. 10.

IN ASSEMBLY,

JANUARY 14, 1881.

TWELFTH ANNUAL REPORT OF THE TRUSTEES OF THE WILLARD ASYLUM FOR THE INSANE.

To Hon. GEORGE H. SHARPE, *Speaker*:

SIR — Herewith is submitted the twelfth annual report of the Willard Asylum for the Insane, for the fiscal year ending September 30, 1880.

Very respectfully yours,

STERLING G. HADLEY,
D. A. OGDEN,
GEO. W. JONES,
GEORGE J. MAGEE,
F. O. MASON,
WILLIAM A. SWABY,
SAMUEL R. WELLES,
J. D. F. SLEE.

OFFICERS OF THE ASYLUM.

TRUSTEES.

Hon. S. G. HADLEY, Waterloo,	Hon. D. A. OGDEN, Penn Yan,
Gen. GEO. J. MAGEE, Watkins,	J. D. F. SLEE, Esq., Elmira,
W. A. SWABY, M. D., Seneca Falls,	S. R. WELLES, M. D., Waterloo,
GEORGE W. JONES, Esq., Ovid,	Hon. F. O. MASON, Geneva.

OFFICERS OF THE BOARD OF TRUSTEES.

President, Hon. S. G. HADLEY, Waterloo.

Secretary.

Treasurer.

S. R. WELLES, M. D., Waterloo.

Hon. JAMES B. THOMAS, Ovid.

RESIDENT OFFICERS.

Superintendent, JOHN B. CHAPIN, M. D.

Assistant Physicians.

JAMES C. CARSON, M. D.

H. G. HOPKINS, M. D.

P. M. WISE, M. D.

HENRY E. ALLISON, M. D.

E. WIRT LAMOREAUX, M. D.

Steward.

MORRIS J. GILBERT.

Matron.

ELIZABETH BONNER.

Assistant Officers.

JAMES H. RANDALL,

Mrs. JAMES H. RANDALL,

HENRY KITSON,

Mrs. HENRY KITSON,

ANSON WHEELER,

Mrs. ANSON WHEELER,

ABRAM VAN HOUTEN,

Mrs. ABRAM VAN HOUTEN,

R. M. DENTON,

LOUISA F. ADAMS.

Chaplain, CHARLES W. MCNISH.

REPORT OF THE TRUSTEES.

To the Legislature of the State of New York:

The undersigned trustees of the Willard Asylum for the Insane, pursuant to law, present to your honorable body their twelfth annual report, together with reports of the treasurer, medical superintendent, steward and matron, showing a detailed statement of the expenditures and operations for the year ending September 30, 1880.

There are at this date, January 1, 1881, sixteen hundred and seventy-six patients in the asylum, viz., eight hundred and seventy-two females, and eight hundred and four males. The number of patients received during the year was two hundred and eighty, and the number discharged, one hundred and fifty-four.

It will be remembered that this asylum is for the chronic pauper insane. The percentage of discharges recovered and improved is necessarily small, yet it increases and aggregates in the whole a considerable number, the result, to a large extent, in our judgment, of the better care and treatment and the more judicious employment of the patients here than was possible in the poor-houses, or than friends and relatives could give. To all the insane brought here the asylum is a blessing, giving increased comfort, protection and safety. In this aspect of the case all are improved, all benefited. If not brought to a condition of reasonable self-control, they are provided with comfortable homes and kindly cared for, and the public and their friends are relieved from apprehension and anxiety in regard to their treatment.

During the year the asylum has been overcrowded, and a constant pressure for more accommodation. Much additional care and labor has necessarily been put upon attendants from this condition. Every night beds, sometimes to the number of one hundred, have been placed on the floors in the various halls for the accommodation of the overcrowded population.

The new group of buildings provided for by the Legislature of 1879 has been completed and brought into use. This gives room for two hundred and fifty female patients, when crowded to its utmost capacity,

and has already relieved the women's wards, which were overfilled. There is abundant evidence that the relief will only be temporary, and that before the expiration of another year the floor will, of necessity, again become the sleeping place of many patients. While this condition of things is vastly preferable to alms-house care, it is not such as the State, with her vast resources, should supply for the most helpless and most unfortunate class of people.

With the addition of the new group we have an aggregate capacity for seventeen hundred and fifty to eighteen hundred insane when crowded, viz., eight hundred males, the number now in the asylum, and one thousand females.

We present these facts as matter for serious consideration. If this institution be regarded as completed, and no more room for the chronic insane poor is to be provided here, then a due regard for their proper care and well-being must be made elsewhere. The continuance, much less a return to poor-house care and treatment, will not, we presume, be seriously entertained. In its policy and progress the State has passed on to a higher ground, and a better and a more humane system. The State has assumed the guardianship of the chronic-insane poor, she has already provided good homes and proper care for a large part of them, and it is not to be assumed or believed that she is to leave the balance, however many or few in number, to the miserable and entirely inadequate treatment and care of the poor-houses. That would be a halt just as entire victory was assured, or a step backward toward a dark period, and a return to an improper and a condemned policy.

We again call attention to, and renew our recommendation of last year for the modification and reconstruction of the old "college building," known here as the "branch," and occupied by two hundred and twenty-five women and attendants. The recent disastrous fire in the Minnesota Hospital for Insane, with the terrible loss of life and suffering, induces greater earnestness in pressing this subject upon your attention. This building was planned for students and educational purposes, and not for the care of the insane. Above the basement the partitions are mostly of lath and plaster. It is a four-story building, and should a fire once occur the partition walls would facilitate the spread of fire and smoke to all parts of the building. We have done all we could to render this building secure, and to aid and facilitate escape in case of fire. While for sane persons the danger would not be great, yet the fact that there are in the different halls up to the fourth story two hundred and twenty-five women, many old, all feeble in mind and many feeble in body, can but excite apprehension and anxiety in regard to their fate in case of fire. Although not likely to occur, it may, and in such event the most deplorable consequences would be likely to follow, for experience has demonstrated in numerous instan-

ces that many insane persons can only be removed from a burning building by actual force. The smoke would so rapidly permeate all parts of the structure that many would perish by suffocation before the fire would reach them. We quote from our report last year for a full understanding of the subject :

“The south and larger half of the building is four stories high on a basement, and the greatest danger is, and would be, in removing the inmates from the upper stories. Two plans or modes of relief suggest themselves.

“*First*, to take down the entire building and use the material, as far as it would go, in putting up a group of buildings similar to those we now have for two hundred and fifty patients. This would involve an estimated expenditure of \$60,000.

“*Second*, to abandon the use of or remove the two upper stories, and use the two lower stories as they are now, except the kitchen, and then to add a wing of brick, and with brick partition walls on the north, two stories high, similar in size and appearance to the present one on its south, build a suitable brick building for a kitchen and remove the range and all fires from the basement. By these changes and additions it is believed that the accommodations for patients would not be diminished, but that the damage from fire, and the casualties likely to result from it, would be greatly lessened. The more quiet, orderly and least dangerous and the more easily managed patients could be placed in the lath and plastered rooms, and being on the first and second floors could be readily removed from the building in case of fire. In such event the probabilities of loss of life would be materially diminished, if not entirely removed. This plan would give a good-looking building and well arranged for administration. The cost to make the proposed change and erect the additions we estimate would be from \$25,000 to \$30,000. We submit whether the one or other plan should not be adopted without further delay, and thus allay a constant apprehension, and perhaps prevent a terrible calamity. We commend the matter to your earnest attention. We regard it our duty to present the facts as to the condition of this building, and make the above suggestions so as to obviate the objections to its present use.”

The last group (number four) was occupied December 1, 1880. In size, plan of construction and capacity it is similar, with a few slight variations, to the three groups, numbers one, two and three, previously erected. Owing to the advance in the cost of furnishing and material for heating, plumbing, sewerage and the extension of gas and water-pipe, and the necessary grading and road-making not estimated for, the group, number four has exceeded in its costs our estimates as originally made. Even with this increase the group will not exceed in cost any of the groups previously constructed. There is no doubt that these groups

of buildings, in view of their convenience, safety, comfort and ease of administration, are among the best and cheapest buildings for the care of the insane to be found in this country.

This group, which will accommodate two hundred and fifty patients, will not cost, fully equipped for use, more than \$340 *per capita*. The plan and style of these buildings have attracted much attention and in many States are being closely followed.

In addition to the new group we have also completed and brought into use this year the extension of our laundry. It now has a capacity to perform the laundry work for a population of two thousand. The cost of this extension has exceeded the estimate, by putting in a tile floor on iron girders and brick arches, our experience with wood joists and floors having satisfied us that true economy demanded the change. The wood floor in the washing department of the old laundry was on examination found in an unsafe condition from the decay of the joists and floor, and liable to fall at any time, and a tile floor on iron girders and brick arches were put in, making a large expenditure for repairs, but rendered necessary in our judgment for the reasons stated. The whole structure is now strong and secure. Iron stairs were put on the outside of the building instead of wood. Several washing machines of a large size have been added, also a blower and ventilator, and the equipment of this essential department is now quite complete and its operations are satisfactory. The lower reservoir, upon which the main asylum building and three groups of cottages depended for their water supply, was found leaky and its sides defective. There was an absolute necessity for extensive and thorough repairs. This has been done — the inside slope relaid with stone on clay puddle and cemented and the bottom made tight by cement. This most important structure is now in good condition and likely to remain so permanently.

The piggeries connected with the farm were in a bad state from decay, and had been made the subject of complaint by persons living near to them. They have been extensively repaired and paved with brick, the wood sills, which were in a state of decay, removed, and the whole put in fine condition. While this has been accomplished only with considerable expense, yet is, without question, an economical expenditure. No one department of supply connected with the asylum and its farm is more productive and yields better returns than the raising of swine. The refuse food of the asylum is thus utilized and converted into pork, and is worth, according to the steward's report, thousands of dollars annually.

During the year five shelter houses for patients near to the groups for men have been erected. As a matter of protection to the insane in

storms, and as a defense and shelter from sunshine and rain, and as a resting and outside sitting place for weak, old and infirm patients, it was thought proper and humane to put up these open buildings. They have well served their purpose. They greatly add to the comfort of the insane who freely use them and enjoy the rest and shade they afford.

During the year there have been painted the walls of thirty halls with silicate and enamel paint, which much improves their appearance and their sanitary condition. Tile floors have been laid in several of the water-closets where the wood floors had decayed. We have also on hand and are now laying a new iron tramway, and using iron in place of wood ties which had decayed. The new structure will prove nearly indestructible.

During the year new and improved furniture has been substituted for that which was old and dilapidated, including quite a number of new wire, cotton and hair mattresses for the old and infirm.

We mention these various repairs to explain the large item which appears for ordinary repairs. We have done no more than was actually demanded as needful repairs. These repairs have been done with excellent material and in a permanent manner.

A large amount of grading has been done about the new buildings, rendered necessary before they could be occupied and to protect them from surface water. While much remains to be done in the coming spring and summer to grade and beautify the grounds and surroundings of the new group, a large part of this will be done by the labor of the patients and at no increased cost. On the subject of the labor of the patients we desire to say, that every year confirms us in the conviction that a moderate amount of work promotes the health, contentment, and comfort of the insane, who are able to work. Exercise in the open air and moderate employment at manual labor, either in or out of doors, we are satisfied, is conducive to physical vigor and health, and has a tranquilizing influence over the disturbed and irritable insane. We call special attention to the amount of labor reported by the medical superintendent as performed during the year, and to his observations upon this subject in his report. We must remember that the labor here described is that of the insane, and to be taken at a heavy discount on account of its inefficiency. With all this allowance the amount is large and the influence salutary — the result to some extent diminishes the cost of maintenance, and is to be encouraged for its pecuniary advantage. Its greater benefit and higher purpose and end are its influence on the health, comfort and sanitary condition of the patients themselves.

At the beginning of the fiscal year October 1, 1880, we fixed the price for the coming year, based upon the actual cost of the previous

year at two dollars and sixty-seven cents (\$2.67) per week per patient, from which a rebate of twenty-seven cents per week per patient was allowed by the board from the accumulations of former years, pursuant to Laws of 1879, chapter 272. This rebate allowed for the benefit of the counties, upon the basis of twenty-seven cents per week per patient, and daily average of seventeen hundred patients, will reduce the accumulation \$23,868 for the year. It is probable the surplus will be nearly if not quite exhausted at the end of the fiscal year. There will not be at the end of the year sufficient to form a reasonable reserve fund to meet unforeseen contingencies and casualties. If there should be any considerable rise in the cost of provisions during the year, we may be without funds to meet current expenditures. In view of all the facts in the case we recommend the repeal of the law referred to.

We renew again our recommendation for the appointment of two assistant physicians. The occupation of the new group makes this recommendation almost a necessity for the due administration of the institution. The number of physicians in proportion to insane population is less here than in any of the institutions of similar character in the State or country. The proportion is one to every three hundred and fifty. It is true that our patients being all chronic cases would, and will justify a less number of physicians than would be required if a large portion were acute cases. Still the number of assistant physicians here is inadequate for the service required. One of the objections urged against insane asylum management has been—the limited number of assistant physicians, as well as the small pay and limited experience and knowledge of those employed. So far as this criticism applies to Willard Asylum it reaches only the first item, viz.: the number, and the fault does not apply to the management, for we have asked for authority to increase our medical force but without favorable response by the Legislature, in whose hands the matter rests. Our rules require a visit from one of the medical staff to every hall every day, and oftener if the condition of patients require it. This duty is faithfully performed and with the necessary clerical work required, imposes constant, and too much hard labor on the medical department in order to the proper administration of this department. To provide the requisite force we again urge the subject upon your attention.

The subject of restraint in the care of patients has been called to our special notice and has been discussed with the medical superintendent. We have found his views fully in accord with our own, that no more restraint of any kind should be used than absolute necessity required. In this asylum there is comparatively little restraint and it is becoming less every year. It might not be just to institute a comparison between an asylum limited to the care of the chronic insane

like this and others where a large number of acute and maniacal cases were being treated. Yet even here there have been and are a few cases where the safety of the patients and of attendants absolutely required the muff, the camisole, or some other mild form of restraint, not only as a necessity, but as an act of humanity and safety to the patient as well. For instance we have here a woman who in her sanity was respectable, intelligent, neat and tidy, but in her present unfortunate state has been constantly disposed to destroy her clothing, bedding and furniture and at times is ungovernable and furious. The camisole was used to restrain this violent and destructive tendency. As an experiment and test the medical attendant not long since directed the restraint removed and the patient carefully watched, and an additional attendant was placed on the hall. In one week's time despite the efforts of attendants this patient destroyed from \$30 to \$40 worth of clothing and bedding. The woman was for a portion of the time divested of clothing, and during the night subject to cold and suffering, because of the destruction of sheets, blankets and bedding. It is true that this is an extreme case, but except in extent of violence it is not an isolated one. There are numbers in this asylum, men and women, with disposition to destroy, with suicidal tendencies, and desire to injure others as well as themselves. On the other hand it is proper to state that constant efforts have been made here to diminish and remove mechanical restraint, and the instances are not a few where patients when brought here, who had been under restraint for years, have been at once or gradually released from them without harm or a necessity of a return to them.

In these cases of extreme violence, the question presents itself whether it is wiser to resort to seclusion without clothing and bedding in padded rooms and employ additional attendants, who at best would have to use physical force to restrain, with constant danger of broken ribs or limbs, or resort to the muff and the camisole. When left to the physician to determine their use we believe the latter modes of restraint would be most humane, most conducive of the comfort, safety and health of the patient, hence to be preferred as a question of humanity and kind treatment of the insane. Mechanical restraint is limited, and we believe never used here, except with conscientious conviction of its necessity. We would not yield to an unjust clamor and abandon a humane practice, when, by so doing, a practice more cruel and liable to greater abuse, and likely to result in greater suffering to the patient, would have to be resorted to. The greatest danger always is from neglect and undue severity on the part of attendants. Against this liability we strive to guard with watchful care, and we are confident that in this we have the active co-operation of the entire medical

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department. All complaints by patients or others are immediately investigated, and all offenses of the character above indicated promptly punished.

During the year frequent visitations have been made to the different groups, their halls, dining-rooms, day-rooms, and throughout the wards generally, either by the whole board or by some members of the board singly. These visitations have often been made without notice, or expectation on the part of attendants, and we have been thus able to gather the exact condition of the internal affairs, practices and conduct. We have almost invariably found the halls and rooms neat, clean and in good condition, with an efficient administration in all its parts. We have watched and visited, not alone the main asylum wards, but also those of the cottage groups, and have been gratified with the evidence thus afforded that the extensions are equally in good order, with those most in view and oftenest visited. Visitations by the public under proper regulations are not prohibited or denied, but freely granted at suitable times. In the summer time the asylum is much resorted to by friends of patients and by strangers, and the halls are often frequented with visitors. So far as we can learn, those having friends here are satisfied with their care and treatment.

The dietary remains the same as given in our last report. We believe it is sufficient and nutritious. The sick list, the death rate, the physical condition of the patients and the labor performed by them afford conclusive evidence of the healthful character of the diet.

We think it quite desirable that there should be connected with the asylum a building especially adapted and prepared for social diversions and amusements for the more orderly and quiet patients and the attendants. The only place we now have is the chapel, which cannot and does not meet the requirements of an assembly room adapted to diversion, dancing and social intercourse. There are here, away from any village or place of amusement, over three hundred attendants and employes connected with the asylum, made up of about an equal number of either sex and largely unmarried. The moral influence of an assembly room, where the employes could meet publicly in social intercourse and for proper innocent amusements and diversions, would, in our opinion, be salutary and conducive to health as well as good morals. Such a room would furnish a much-needed relaxation from duties which are onerous and exceedingly trying. In connection with such a building there ought to be a basement store-room which is very much needed for the use of the institution. A building adapted and suitable for both the purposes indicated would not exceed \$7,000 in cost, and we recommend the appropriation.

We renew the recommendation again for an appropriation of

\$10,000 for the construction of a stone culvert and an earth embankment for the purpose of extending the railroad track and for a foot-path across the ravine to the two cottage groups on the south side. The work, if all done by labor outside of the asylum, would exceed in cost the sum named, but most of the earth filling can be done by patients, and thus bring the cost down to the amount named. There soon will be five hundred insane population with their attendants in the groups on the south side of the ravine. They can only now be reached with teams from the coal pockets and docks, and from the main asylum, where the administration center is located, without a detour materially increasing the distance and descending and ascending a sharp grade. The embankment proposed, with the railroad track and the foot-path, would make a short and convenient route between the center buildings and the southern groups and largely facilitate and cheapen transportation of supplies. It is almost a necessity, certainly an economical expenditure, to make the proposed connection as a means of reaching and supplying this part of the asylum population. We therefore urge again the reappropriation of the sum suggested to accomplish the desired object.

We sum up our wants and recommendations as follows: For furniture, iron pipe, heating, sewerage, and grading, \$10,000; for a building for storage and assembly purposes, \$7,000; and for an embankment and stone culvert across the ravine and extending railroad over to south groups, \$10,000, making in all for these purposes the sum of \$27,000. For the remodeling or rebuilding the branch building \$30,000 if remodeled, making a total of \$57,000.

During the past few years the asylum has been visited by several of the Governors of this State. During the past year the asylum was visited by Comptroller Wadsworth; the State Commissioner of Lunacy; the Commissioners of the State Board of Charities; the Secretary of the State Board of Charities; the board of supervisors of Seneca county; committees of boards of supervisors of several counties of the State; by officials from other States; and by the special committee of the Senate to investigate the condition of the asylums for the insane.

On the general subject of the increase of insanity and the necessary provision to be made in view of this conceded fact, we have not deemed it our duty to make suggestions otherwise than to submit it to your thoughtful consideration. On one point our views are fixed and earnest. We are decidedly opposed to any step looking toward the old system of poor-house and jail care for the chronic insane poor. To do so would be in direct conflict with the policy inaugurated by the founding and up-building of this asylum, which was, and is, the guardianship by the State, and care for, under its direction, of the pauper

insane. This work is not yet fully accomplished — the end aimed at not yet fully reached. What more is required to be done is for your consideration and action, and whatever is wisest and best will have our hearty co-operation. We may, we think, with just pride, point to the results accomplished here, not for the purpose of individual glorification, but as carrying to success a great and humane system, and actually accomplishing the amelioration in a marked degree of the condition of a large and helpless class. We have been agents simply in working out this grand and humane system. We would be derelict to our convictions of duty did we not urge the prosecution of the good work done here to its completion. In this rapidly growing country, with its stirring activity, with its rise and fall of fortunes, its enterprises sometimes hazardous and always exciting, it is quite probable that insanity will increase rather than diminish in the future. Its increase, in view of the increased knowledge, scientific improvement and better care and treatment, will not exceed the growth in population and wealth and ability to provide for whatever that increase may be. Hence there should be no pause, but increased activity in fully meeting all the demands upon us that we may discharge our whole duty to those who follow us.

The supplies for the institution, under the system adopted by the steward — of competition, have been obtained without favoritism, and at the lowest price. This important department as well as the general management of the asylum has been satisfactory. With its large insane population, separated into cottage groups, the administration, control and management has moved on smoothly and systematically. While the control of the establishment is located at the center the separated groups have equally felt its force. The unity and efficiency of the system has not been broken by friction or interrupted by conflict.

In view of these facts, and with the result of the year's experience, it affords us great pleasure to bear testimony to the general good conduct of the officers and employes of the asylum. While the discipline has been rigid, and punishment and dismissal for misconduct prompt the instances for a resort to extreme measures have been few, and as a whole the attendants and employes are entitled to commendation.

STERLING G. HADLEY,
D. A. OGDEN,
GEO. W. JONES,
GEORGE J. MAGEE,
F. O. MASON,
WILLIAM A. SWABY,
SAMUEL R. WELLES,
J. D. F. SLEE.

TREASURER'S REPORT.

To the Trustees of the Willard Asylum for the Insane :

The treasurer of the asylum respectfully submits the following statement of his receipts and payments for the year ending September 30, 1880.

RECEIPTS.

To cash on hand September 30, 1879.....	\$30,749 54
To cash received from State Comptroller, chapter 272, Laws 1879.....	75,000 00
To cash received from D. A. Ogden, brick sold.....	5 50
To cash received from C. W. McNish, for brick.....	11 54
To cash received from H. B. Smith & Co., rebate for freight.....	49 50
To cash received from State Comptroller for salaries of officers..	11,294 40
To cash received from treasurers of counties and cities..	225,108 44
To cash received from the steward for the sale of hides, pelts, tallow, rags, etc....	3,550 08
To cash received from rents....	472 75
Total.....	<u><u>\$346,241 75</u></u>

PAYMENTS.

By bills paid from appropriation, chapter 272, Laws of 1879, as per vouchers rendered Comptroller.....	\$74,826 06
By bills paid for salaries of officers, as per vouchers rendered Comptroller.....	11,294 40
By bills paid from county account, as audited by auditing committee.....	233,941 97
By bills paid from steward's account	500 76
By bills paid from rent account....	50 00
By balance in hands of treasurer	25,628 56
	<u><u>\$346,241 75</u></u>

J. B. THOMAS,
Treasurer.

OVID, N. Y., October 1, 1880.

REPORT OF THE SUPERINTENDENT.

To the Trustees of the Willard Asylum for the Insane :

The following report of the operations and condition of the asylum for the year ending September 30, 1880, is respectfully presented :

TABLE I.

Movement of Population.

	Males.	Females.	Total.
The number of patients in the asylum			
September 30, 1879.....	694	808	1,502
Admitted during the year.....	154	126	280
Whole number.....	848	934	1,782
Discharged.....	69	85	154
Remaining September 30, 1880.....	779	849	1,628

TABLE II.

Daily average for the year.....	1,565
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TABLE III.

Results.

Discharged recovered.....	16
Discharged improved.....	39
Discharged unimproved.....	9
Died.....	89
Not insane.....	1

TABLE IV.

Operations from Opening of Asylum.

The following statement presents the movement of patients from the opening of the asylum, October 13, 1869, to October 1, 1880 :

Total number of patients admitted.....		2,677
Discharged, recovered.....	63	
Discharged, improved.....	188	
Discharged, unimproved.....	164	
Total died.....	632	
Not insane.....	2	
		1,049
Remaining.....		1,628

TABLE V.

The following table shows the causes of death which occurred during the year, and those previously reported :

	1880.	Previously reported.	Total.
Exhaustion from acute mania	2	.....	2
Exhaustion from chronic mental disease...	20	141	161
Puerperal mania.....	.....	1	1
Paralysis following apoplexy and organic disease of brain			
Paresis.....	4	19	23
Epilepsy.....	10	41	51
Debility of old age.....	6	53	59
Disease of the heart.....	5	37	42
Acute gastritis and enteritis.....	4	18	22
Cerebral effusion.....	.....	4	4
Pneumonia.....	2	8	10
Carcinoma.....	1	7	8
Chronic diarrhoea.....	3	3	6
Suicide.....	.....	2	2
Phthisis pulmonalis.....	.....	3	3
Enteric fever.....	25	148	173
Haemoptysis.....	.....	27	27
Dysentery.....	.....	2	2
Diabetes.....	1	6	7
Injury.....	.....	1	1
Diphtheria.....	.....	2	2
Tumor of brain.....	.....	1	1
Asphyxia.....	.....	4	4
Marasmus.....	.....	1	1
Cholera morbus.....	.....	2	2
Carbuncle.....	1	1	2
Bronchocele.....	.....	1	1
Erysipelas.....	.....	1	1
Senile gangrene.....	1	2	3
Peritonitis.....	.....	1	1
Embolism.....	2	3	5
Anasarca.....	.....	2	2
Disease of liver.....	1	.....	1
Cystitis.....	.....	1	1
	89	543	632

TABLE VI.

Table of Mortality.

	Average population.	Deaths.	Per cent.
1870.....	236	14	6.2
1871.....	520	52	11.2
1872.....	564	43	7.6
1873.....	727	48	6.6
1874.....	827	51	6.1
1875.....	938	49	5.2
1876.....	1,076	65	6.0
1877.....	1,227	79	6.4
1878.....	1,340	87	6.5
1879*.....	1,430	55	3.8
1880.....	1,628	89	5.6

TABLE VII.

Table showing the Ages of those Admitted.

	1880.	Previously reported.	Total.
From 5 to 10.....	.....	1	1
From 10 to 20.....	13	76	89
From 20 to 30.....	69	495	564
From 30 to 40.....	71	683	754
From 40 to 50.....	54	525	579
From 50 to 60.....	36	353	389
From 60 to 70.....	22	193	215
From 70 to 80.....	12	55	67
From 80 to 90.....	3	14	17
From 90 to 100.....	.....	2	2
	280	2,397	2,677

TABLE VIII.

Table showing the Civil Condition.

	1880.	Previously reported.	Total.
Single.....	139	1,289	1,428
Married.....	112	897	1,009
Widowed.....	25	166	191
Unascertained.....	4	45	49
	280	2,397	2,677

TABLE IX.

Table showing the Nativity.

	1880.	Previously reported.	Total.
New York.....	196	1,353	1,549
Vermont.....	2	18	20

* Includes ten months.

	1880.	Previously reported.	Total.
Connecticut		8	8
Massachusetts	2	17	19
New Jersey	1	5	6
Michigan		3	3
New Hampshire		3	3
Rhode Island		4	4
Indiana		1	1
Pennsylvania	4	9	13
Maryland		2	2
Wisconsin		1	1
North Carolina	1	.....	1
Georgia		1	1
Illinois		1	1
Iowa		1	1
Maine		1	1
Virginia		1	1
Ireland	45	593	638
Germany	8	141	149
Canada	1	36	37
England	9	65	74
France		12	12
Russia		5	5
Scotland	1	12	13
Spain		1	1
Italy		2	2
Holland		1	1
Denmark	1	2	3
Sweden		1	1
Wales		1	1
West Indies		1	1
New Brunswick		1	1
Sandwich Islands		1	1
Switzerland		2	2
Austria	1	.....	1
Nova Scotia	1	.....	1
Unascertained	7	91	98
	<u>280</u>	<u>2,397</u>	<u>2,677</u>

TABLE X.

Table showing Occupation.

	1880.	Previously reported.	Total.
Housework	97	947	1,043
Laborer	45	311	355
Farm work	33	234	267
Teacher	5	50	55
Seamstress	5	40	45
Tailor and tailoress	3	19	22
Optician	1	.....	1

	1880.	Previously reported.	Total.
Milliner.....	1	10	10
Factory operative.....	2	13	15
Shoemaker.....	1	25	26
Launderer and laundress.....	1	3	4
Lawyers.....	4	6	10
Coachman.....	.....	8	8
Gardener.....	.....	4	4
Harness maker.....	2	8	10
Soldier.....	.....	2	2
Seaman and boatman.....	2	18	20
Student.....	.....	22	22
Weaver.....	.....	7	7
Bead work.....	.....	1	1
Mason.....	1	13	14
Clerk and book-keeper.....	6	34	40
Metal worker.....	6	46	52
Brick maker.....	1	.....	1
Wood worker.....	7	63	70
Tanner.....	.....	4	4
Wool carder.....	.....	2	2
Painter.....	4	12	16
Physician.....	.....	12	12
Comb maker.....	.....	2	2
Merchant and salesman.....	10	33	43
Cigar maker.....	.....	5	5
Baker.....	.....	4	4
Brush maker.....	2	1	3
Hotel keeper.....	.....	4	4
Compositor.....	.....	8	8
Butcher.....	2	2	4
Glove maker.....	.....	1	1
Paper hanger.....	.....	2	2
Miller.....	.....	4	4
Furrier.....	1	.....	1
Artist.....	.....	2	2
Telegrapher.....	.....	1	1
Hatter.....	.....	2	2
Inventor.....	.....	1	1
Oysterman.....	.....	1	1
Miner.....	1	1	2
Jeweler.....	.....	3	3
Druggist.....	.....	2	2
Photographer.....	.....	2	2
Barber.....	.....	3	3
Dyer.....	.....	1	1
Showman.....	.....	1	1
Stonecutter.....	.....	7	7
Policeman.....	.....	1	1
Clergyman.....	1	1	2
Musrcian.....	.....	2	2
Electroplater.....	.....	1	1

	1880.	Previously reported.	Total.
Tinsmith	2	2	4
Book binder .....	.....	1	1
Engineer .....	.....	3	3
Unascertained.....	7	116	123
No occupation	28	242	270
	<u>280</u>	<u>2,397</u>	<u>2,677</u>

TABLE XI.

Duration of Insanity before Admission.

	1880.	Previously reported.	Total.
Less than one year.....	15	50	65
From 1 to 5 years.....	109	875	984
From 5 to 10 years.....	53	444	497
From 10 to 20 years.....	35	344	379
From 20 to 30 years.....	12	111	123
From 30 to 40 years.....	8	42	50
From 40 to 50 years.....	2	8	10
From 50 to 60 years.....	2	6	8
From 70 to 80 years.....	1	1	2
Unascertained.....	43	516	559
	<u>280</u>	<u>2,397</u>	<u>2,677</u>

TABLE XII.

Form of Mental Disease at Admission.

	1880.	Previously reported.	Total.
Dementia	91	1,210	1,301
Chronic mania.....	91	685	776
Paroxysmal mania.....	1	49	50
Periodic mania.....	12	53	65
Acute mania.....	8	29	37
Puerperal mania.....	1	5	6
Melancholia	20	62	82
Paresis	18	50	68
Epilepsy	30	210	240
Imbecility with maniacal paroxysms.....	7	43	50
Not insane....	1	1	2
	<u>280</u>	<u>2,397</u>	<u>2,677</u>

TABLE XII.

Duration of Insane Life of those who Died.

	Years.
For 1871 it was.....	14
For 1872 it was.....	10
For 1873 it was.....	9
For 1874 it was.....	11
For 1875 it was.....	10

	Years.
For 1876 it was.....	10
For 1877 it was.....	11
For 1878 it was.....	11
For 1879 it was.....	10
For 1880 it was.....	11

The steward and matron present the following report of the products of the farm, garden, the stock raised on hand and of work done in their respective departments :

FARM REPORT.

Beef, dressed, 4,094 lbs., at 6 cts.....	\$245 64
Corn, ears, 2,588 bush., at 25 cts.....	647 00
Corn, fodder, 200 tons, at \$7.....	1,400 00
Corn stalks, 5,435 bundles, at 3 cts.....	163 05
Corn, sweet, 1,152 bush., at 40 cts.....	460 80
Ducks, killed, 80 lbs., at 9 cts.....	7 20
Eggs, 420 dozen, at 16 cts.....	67 20
Hides, 490 lbs., at 8 cts.....	39 20
Hay, 135 tons, at \$16.....	2,160 00
Lambs, dressed, 550 lbs., 8 cts.....	44 00
Milk, 45,078 gallons, at 20 cts.....	9,015 60
Mutton, dressed, 2,152 lbs., at 6 cts.....	129 12
Oats, 1,292 bushels, at 40 cts.....	516 80
Pumpkins, 96 loads, at \$1.....	96 00
Pelts, 64, at 60 cts.....	38 40
Pork, dressed, 50,750 lbs., at 6 cts.....	3,045 00
Potatoes, 10,078 bushels, at 40 cts.....	4,031 20
Straw, 120 tons, at \$6.....	720 00
Turkeys, dressed, 270 lbs., at 12 cts.....	32 40
Wool, 298 lbs., at 38 cts.....	113 24
Wheat, 2,023 bushels, at \$1.05.....	2,124 15
	\$25,158 30

GARDEN REPORT.

Asparagus, 3,837 bunches, at 4 cts.....	\$153 48
Basil, 95 bunches, at 3 cts.....	2 85
Beets, 849 bush., at 35 cts.....	297 15
Beans, string, 128 bush., at 40 cts.....	51 20
Beans, lima, 50 bush., at 50 cts.....	25 00
Cucumbers, 193 bush., at 25 cts.....	44 25
Carrots, 899 bush., at 30 cts.....	269 70
Corn, sweet, 87 bush., at 50 cts.....	43 50
Celery, 5,015 heads, at 4 cts.....	200 60
Cabbage, 43,870 heads, at 4 cts.....	1,754 80
Egg plants, 134, at 2 cts.....	2 68
Kohl Rabbi, 9 bush., at 50 cts.....	4 50

Lettuce, 539 bush., at 20 cts....	\$107 80
Marjoram, 268 bunches, at 4 cts....	10 72
Mangel Wurzel, 1,717 bush., at 30 cts....	515 10
Onions, 680 bunches, at 3 cts....	20 40
Onions, 148 bush., at \$1....	148 00
Peas, 30 bush., at 75 cts....	22 50
Potatoes, 148 bush., at 50 cts....	74 00
Parsnips, 400 bush., at 40 cts....	160 00
Peppers, red, 9 1-2 bush., at \$1....	9 50
Rhubarb, 16,975 bush., at 2 cts....	239 50
Radishes, 63 bush., at \$1....	63 00
Spinach, 369 bush., at 20 cts....	73 80
Swiss Chard, 1,108 bush., at 15 cts....	166 20
Squash, 59 bush., at 50 cts....	19 50
Squash, summer, 412 bush., at 20 cts....	82 40
Salsify, 30 bush., at 50 cts....	15 00
Sage, 312 bunches, at 2 cts....	6 24
Savory, 112 bunches, at 3 cts....	3 36
Thyme, 425 bunches, at 2 cts....	8 50
Turnips, 240 bush., at 35 cts....	84 00
Tomatoes, 1,192 bush., at 40 cts....	476 80
	\$5,156 03

Total farm and garden products..... \$30,314 33

STOCK ON HAND SEPTEMBER 30, 1880.

Horses.....	23	Cows.....	72
Heifers and calves.....	29	Bulls.....	2
Oxen.....	2	Sheep.....	44
Hogs, store.....	157	Fowls.....	300
Turkeys.....	41	Ducks.....	15
Geese.....	3		

MATRON'S REPORT OF SEWING.

Aprons.....	722	Blankets.....	1,183
Balmorals.....	112	Bed sacks... ..	247
Bags.....	45	Collars.....	2,080
Chemises	1,506	Cushions.....	164
Curtains.....	70	Camisoles.....	13
Skirts.....	84	Cotton mattresses.	18
Dresses.....	2,501	Drawers.....	762
Fancy work.....	27	Holders.....	33
Hats trimmed.....	212	Mittens.....	32
Men's suits.....	387	Neck ties.....	6
Night dresses.....	29	Overalls.....	288
Over skirts.....	288	Pillows.....	241
Pillow cases.....	2,537	Pillow ticks.....	247
Sheets.....	3,038	Shirts.....	1,874
Skirts.....	1,005	Burial suits.....	164
Stockings.....	26	Wrappers.....	862
Window curtains.....	17	Table cloths.....	108
Towels.....	1,607		

FINANCIAL STATEMENT.

The following statement made from the books of the steward exhibit a classification of bills audited during the year ending September 30, 1880:

Supplies	\$78,865 73
Fuel (warming, pumping, kitchen use).....	21,250 86
Lights (material for gas, oil).....	1,006 29
Farm and garden wages and expenses.....	6,352 11
House wages (attendance and all other services).....	60,756 66
Furniture and repairs.....	34,864 86
Miscellaneous expenditures.....	9,713 73
Medicines.....	2,739 30
Improvements.....	6,263 36
Total.....	\$221,812 90

The average weekly cost of maintenance, including all expenses except clothing and salaries of the resident officers, was \$2.72. The expenditure for clothing was \$17,383. Clothing is an additional charge to each patient as issued, the law seeming to provide for separate accounts for maintenance and clothing. The average weekly cost of support, including clothing and excluding salaries of the resident staff, was \$2.93, or \$152.36 per annum.

The following table shows the cost of maintenance of patients, exclusive of clothing and salaries, from 1872 to 1880, inclusive:

	Daily average of patients.	Weekly cost.
1872.....	564.....	\$3 15
1873.....	727.....	3 09
1874.....	827.....	3 09
1875.....	938.....	2 96
1876.....	1,076.....	2 83
1877.....	1,227.....	2 87
1878.....	1,340.....	2 71
1879.....	1,430.....	2 63
1880.....	1,565.....	2 72

Since the 1st of June, 1879, the counties have been charged \$2.40 per week for board of patients, in accordance with chapter 272, 1879. The excess of actual cost over the weekly charge has been paid from the surplus which accumulated prior to 1879, and which the Legislature of that year directed should be applied in this manner. The practical effect of this law was to provide for returning to the counties in the form of a credit or rebate the difference between the sum charged and the actual cost, until the surplus was exhausted. From June 1, 1879, to December 1st, 1879, the difference between the charge and the actual cost was twenty-three cents, weekly, for each patient. From December 1, 1879, to September 30, 1880, the difference was thirty-two cents weekly. Assuming the difference between the charge and cost will be as great the current year, it is estimated the total amount returned to the counties in the form of credits will be \$56,377.80.

It is probable the surplus accumulation will be exhausted at the close of the current fiscal year. For the ensuing year the charge for board must necessarily be increased to equal the actual cost, and this should be anticipated.

It is suggested that the charge for maintenance of patients hereafter include clothing and board, and that the two items be embraced in one charge for support. No separate or special charge for damages or repairs have been made for several years, but all expenditures for these purposes have been included in the charge for board or maintenance.

The bills for monthly expenditures have been regularly prepared for the examination and action of the auditing committee. With the exception of the bills that accrued for the month of September, there was no outstanding indebtedness at the end of the year. The bills for the month of September amounted to \$22,916.45.

REPAIRS AND IMPROVEMENTS.

The preservation and repair of the asylum property has received attention. As we have observed in preceding reports, it is subject to extraordinary and severe use by persons who have little or no interest in preventing its destruction or decay. It is also liable to the action of the elements and forces which operate in producing constant deterioration. Unless repairs are made as often as may be necessary, the interior of the buildings would gradually become unpresentable, or would be worn out and untenable. During the past year all ordinary repairs have been made as they were needed. We have also been called to make some unexpected repairs, the result of the operation of the destructive agencies we have alluded to.

The expenditures for repairs are not likely to be as large the current year, and next year, as they have been the two preceding years, unless some unforeseen calamity, to which we are constantly liable, should overtake the asylum. The prudence and providence which usually characterize sagacious men in the conduct of their private affairs ought to have equal application in the management of the public business. The means should also be at command to make all needful current repairs, without delay as they may be required, as well as such obvious improvements as experience may suggest. All ordinary repairs may properly be a charge upon the maintenance account. It may be a question how far extraordinary repairs and occasional improvements, as the renewal of boilers, floors, machinery, and outbuildings, which form a part of the permanent plant, should be a charge to this account. If expenditures for such purposes become a charge upon this account, the effect will be to increase materially the cost of support, and as a consequence tend to diminish the admissions, and deprive many deserving cases of the benefits of the asylum. We believe it therefore the part of a wiser and larger policy, to ask the Legislature to provide for such unusual expenditures as they may become necessary hereafter.

LABOR — EMPLOYMENT.

During the past year as in former years, a daily report and record was made of the occupation of patients, and of the number taken out of the house to walk.

The number of days of labor performed on the farm and garden and about the barns	21,998
Work on grounds	10,737
Work in laundry, kitchen, boiler houses, carpenter shop, painting	32,563
Work in matron's office and needle work	39,613
Hall work	50,878

The number of patients taken out to walk was equivalent to 150.076 going out once.

A comparison with the results of previous years shows there was an increase of the aggregate number of patients who were employed in some kind of manual labor or occupation, and of those who were enabled to go out for exercise and recreation. This may be ascribed to various causes, among which may be mentioned that the majority of the earlier admissions were incapable of labor by reason of their mental and physical state; that the operations of the asylum generally have become more diversified; that the opportunities for occupation and diversion which a large establishment affords are much enlarged;

the influence upon patients which force of habit, disposition to imitation and system exert; and to an increasing attention to the capabilities and requirements of the insane which the aggregation of large numbers must excite.

The avails of the labor have not been inconsiderable as will be observed, and have had a decided influence upon the financial results of the asylum year. Employment and occupation have had an equally beneficial effect in contributing to the well-being and contentment of the asylum community. The wisdom of securing a large tract of land, and its capabilities for furnishing labor and occupation to the insane, are more apparent every year. Farm labor has the great advantage that it is performed in the open air, does not require skilled training, that it affords variety, that all who engage in it feel that they share in the results, and that they become identified with the soil and their place of domicile. It has the single disadvantage that it cannot be carried on through the entire year.

A portion of the labor has been expended upon the grounds and roads, upon grading, paving and important improvements, and a large share upon necessary work on the farm, garden, the manufacture of clothing, and in the various necessary domestic offices of a large household, which, if not performed by patients, would have been done by persons employed and paid for the purpose.

The report of labor and occupation shows that patients had been employed a stated number of days. It must not, however, be inferred that the result of all this was profitable, and that it was indispensable to the administration of the asylum, or, that it was equivalent to work for which money would be paid. It is erroneous to suppose, as has been publicly stated, that the quantity and quality of the labor of the insane will equal that of the same number of the sane. The wages of attendants who supervise it is always a serious offset against the avails. The value of the labor of the insane, considered solely from a pecuniary view, would not be appreciable in comparison with the great plant and machinery necessary to develop it and give it practical direction. Neither should the community be impressed with the idea that a system may be devised under which all the insane may be induced to labor, and that the administration of the asylum is censurable to the extent that it fails in this respect. In answer to such an assumption it should be sufficient to state that nearly two-thirds of the earlier admissions here had not the mental capacity to dress themselves or attend to the calls of nature, much less the ability to engage in mechanical trades or in skilled labor. Though the character of the admissions during the last half of the present decade of the asylum history has changed very much

for the better, it must still be borne in mind that the population of the asylum is made up largely of persons of enfeebled mental power, and of those whose physical condition is so impaired as to unfit them for continuous manual labor. Another class possesses the physical ability to labor, but by reason of dangerous delusions and propensities are unsafe to be at large, or are harmless, and not having the mental capacity for self-preservation or support, without friends to exercise any custodial care, or a place of abode, they drift into an asylum as a final refuge. Many of this class possess the physical strength and intelligence to labor, but decline to do so on account of strong delusions, or unless paid a compensation beyond the ability and policy of the institution to offer. It is from this class, however, that the workers are chiefly drawn, and accessions are frequently made from the former. As labor and occupation, or the capacity to engage intelligently in either, are the more frequent accompaniments of a normal mental condition, so it has been the constant aim and effort of the asylum to encourage employment as among the important remedial agents to divert the mind from morbid ideas into healthful channels of thought and action. It is no new or unusual experience to state the gratifying results of regular occupation — its influence in allaying excitability, in promoting contentment and tranquillity of mind, and what is of greatest moment, conducing in many cases to such decided improvement as to warrant a discharge from the asylum. Apart from any medical and moral considerations which must control the question of asylum-labor and occupation, the avails of the labor have had a marked influence in reducing the cost of support. They will be found to compare most favorably with those of many asylums at home and abroad, which may be cited as examples of what may be accomplished to this end. There will be no question to arise about the employment of patients so long as the returns exceed the cost of it. To what extent it is advisable to introduce mechanical trades and manufactures of various kinds into the asylum, with the possibility of pecuniary loss, which may increase the *per capita* cost of support, is a risk not to be incurred without the specific authorization of the board of trustees, and a general sentiment of concurrence in the undertaking, in the hope that the increased comfort, contentment, tranquillity of mind, would be a gain sufficient to counterbalance any probable deficiency.

It must be conceded that some of the English and Scotch asylums have the appearance of a greater variety and amount of occupation than the American asylums, and a comparison is sometimes made in this respect to the detriment of the latter. It ought to be stated that the subject of occupation has received more attention, and for a longer

period, in Great Britain than in this country; that the subdivision of labor among the sane of England and the variety of indoor-trades are greater than in this country; (which is illustrated by a comparison of 335 admissions into one of the model asylums of England and 280 admissions into this asylum, when it will appear the former represented 61 different trades and occupations and the latter only 26); that in this country the largest proportion of all able-bodied and industrious patients are retained by county asylums and alms-houses, and that there is a marked difference in the effect of the different social and political organizations upon the people of the two countries in this respect; that while patients in the asylums of Great Britain are said to preserve the docile and tractable manner which characterize them in their sane state, in this country the same kind of persons, as well as the natives, assume an independence and refuse, oftener, to perform the simplest labor unless paid the usual wages, preferring to be supported in idleness than to do any thing to contribute to the general welfare, or to lighten the cost of support.

The recognition of the principle of irresponsibility of the insane, as a class, must permeate the administration, and discipline to enforce labor cannot be admissible. Much may, however, be accomplished by indulgencies, extra allowances and force of habit.

The asylum must continue to be the permanent abode of a large number of persons who, for various reasons, require some kind of custodial care. Their contentment, happiness and health will be promoted by occupation. It is a question which may well excite the most earnest inquiry how these ends may be best secured. The systems of all countries may be studied and compared profitably. Whoever shall devise a method of construction and administration of an asylum for the insane that will induce to occupation the largest number of patients (excepting those receiving medical treatment) in the usual and ordinary business, and ways of living of every-day life outside of an asylum will have made the greatest advance toward the solution of a vexed problem.

CONDITION OF THE ASYLUM.

The female department which was reported overcrowded last year has been partly relieved by transfers to the group of detached blocks which was completed and ready for occupation December 1st, last. The number of patients in the asylum, in excess of proper accommodation, and awaiting transfer may be stated to be one hundred and fifty. The capacity of the newly completed group may be stated to be two hundred and fifty.

The detached blocks for men which were occupied in 1878 are now

full, and the wards for men in the main asylum building contain forty patients more than the rooms can receive, and they occupy temporary beds on the floors of the corridors. If the demand for more accommodations is to continue in the future as in the past, which is probably to occur, the time has arrived when provision for male patients hereafter must be made elsewhere.

Of the wisdom of the general plans and system applied here for the care of the insane of all conditions, we entertain no doubt. The conviction is entertained, now fortified by time and experience, that their general acceptance and adoption, wherever practicable, would speedily bring relief to the insane not now properly provided for, and at a cost decidedly lower than the usual expenditure for this purpose.

MEDICAL OBSERVATIONS.

The assertion has been made that the increase of the amount of insanity is due, in part, to the fact that the insane in asylums of the present day do not receive the treatment which the advance of science appears to warrant, and as a consequence a greater number of incurables remain now than formerly to be cared for. It has also been asserted on authority as high, and even in an official form, that asylums are no sooner constructed and opened than they are at once filled. As the first statement will be received with considerable doubt and allowance on a comparative examination of the facts, of the correctness of the latter there is no room to question it, for the experience is repeated with the opening of every new asylum. If all the cases which stand ready to enter and occupy the newly-prepared wards of an asylum have been the recipients of medical ministrations prior to their admission, then on the assumption that insanity is "one of the most curable of diseases," the facts are a sad commentary on the state of the profession at large. These statements, while they show how unsettled is public, and even professional, sentiment on this subject, they deserve a brief mention and notice here. If it is assumed that insanity is one of the most curable of diseases, then from the two statements it may be also correctly inferred that, of the two branches of the profession concerned, neither possesses all the requisite knowledge to furnish the best results attainable, and the responsibility must lie with that branch more intimately associated with those neurotic disorders which culminate in actual insanity, the prevention of which, together with other diseases, all may feel equally called upon to consider.

It may be observed that insanity, in the majority of instances, is the culmination of causes that have been operative for long periods. There are the trials, afflictions, privations, sicknesses and disappointments, which make up the sore experiences of life acting on a mental

organization already unbalanced by hereditary predisposition, as well as the deteriorations which result from injudicious and ill-advised marriages, singly or together operating with an irresistible tendency to produce a crisis which no professional or scientific appliances can hope reasonably to avert. The causes are for the most part matters of speculation, not demonstrable, and too intricate for solution by material methods, or scientific instruments after death. The approach and progress of the disordered state is insidious and gradual. When the condition of insanity may be considered established, and the patient brought to the hospital, the damage done already is too often discovered to be irreparable. The cases that may be embraced in this category, together with those marked by organic changes and degenerations of the material substance of the brain, comprise the majority of all that occur.

Erroneous impressions have been drawn undoubtedly, from the earlier asylum statistics and may have been used to the detriment of the existing asylum system. They admitted of deductions relative to the curability of insanity, which experience and analysis may not have confirmed, though they were conscientiously reported at the time. The results presented by the asylum reports, such as they are, however, form the most reliable data, because they are the only ones attainable and must be accepted in the absence of any other, as being more trustworthy than the experiences and opinions of individuals, on the same principle that facts are always more to be relied upon than hypotheses. If it is a fact that physicians of an earlier day did not actually cure as many as they innocently supposed they did, and the cases which they reported as *recovered* were cases which in the light of more experience would appear in the reports of the present day as *improved*, the error which they committed ought to have no weight in lowering the present public estimation of the existing asylums, which with all their alleged defects will be conceded to be infinitely superior to those of a former day, and are rather to be cherished than depreciated, as the expression of the highest philanthropic spirit which a civilized community can exhibit. The legitimate deduction to be drawn is that the disease is not as curable as was at first supposed. The error which has been committed has been the use sometimes made of the earlier and erroneous results as arguments to promote the erection of new hospitals.

Dr. Allison, assistant physician, has prepared, at my request, two tables showing the per centum of recoveries on admissions, and the per centum of deaths on the average number resident, in seven English and seven American asylums, the management of which have been quite uniform for a series of years.

AMERICAN ASYLUMS.

ASYLUM.	Per cent Recoveries on Admissions.			Per cent Deaths on Average Number Resident.		
	50-60	60-70	70-80		60-70	70-80
Western Pennsylvania Hospital for Insane, Dixmont.....		32.70	29.08		10.75	9.22
New Hampshire Asylum for "Insane".....		37.11	33.86		8.67	8.82
Government Hospital for Insane, D. C.....		54.09	33.79		18.20	7.50
Wisconsin State Hospital for Insane.....		31.86	24.26		7.18	6.77
Maine Insane Hospital.....		41.23	34.86		10.96	11.07
State Lunatic Asylum at Utica, N. Y.....		34.50	33.50		8.08	7.87
Retreat for Insane, at Hartford, Conn.....		42.64	37.48		9.86	13.07
Total average.....		39.16	32.40		10.53	9.27
Average.....		35.78			9.40	

ENGLISH ASYLUMS.

ASYLUM.	Per cent Recoveries on Admission.			Per cent Deaths on Average Number Resident.		
	50-60	60-70	70-80	50-60	60-70	70-80
Prestwich.....	43.41	37.36	46.14	14.95	12.21	8.88
Royal Edinburgh...	41.31	37.15	44.97	.....	8.83	9.04
Abergavenny.....	40.08	41.05	36.45	12.22	9.52	10.71
Derbyshire.....	40.37	40.79	43.45	11.82	11.64	13.83
Warwick.....	33.12	37.52	37.60	8.70	9.60	9.62
Devon.....	46.12	43.36	41.29	9.75	11.17	9.01
West Riding.....	43.15	40.39	46.41	14.76	14.55	10.63
Total average....	41.08	39.66	42.33	12.03	11.08	10.25
Average.....		41.02			11.12	

The above valuable tables are founded upon 44,430 admissions into English asylums, and 26,865 admissions into American asylums. Without entering into the question of the comparative methods of internal administration of the two systems, about which a question may nat-

urally arise, it is fair to state the results must be compared in connection with existing statutes and practices of the two countries to enable a proper judgment to be made.

We have referred to the experience derived from asylum practice to state that it cannot be reasonably anticipated that a majority of the cases of insanity will recover, and, now allude to another result equally well established, that the prospect of recovery of those cases belonging to the class considered curable rests mainly on treatment in the early stage, and that delay at this period is certain to destroy the hope of restoration. It is pertinent therefore to inquire whether the insane are as promptly removed to the hospitals of this country and of this State, as in England? Whether the lunacy law of this State, and the actual practice under it, afford equal facilities for the prompt treatment of recent cases? Do the people of the State receive from their asylums the full measure of benefit they have a right to expect? To these suggestive queries we believe a negative answer must be given, which, if true, will go far to account for the difference which appears in the two tables.

The undue increase of insanity which alarms society and burdens the tax payer does not come from the insane of the independent class, but from the pauper and middling classes. The number of insane from those who were dependents before the occurrence of the attack appears from statistics to be quite moderate. The middling classes, made up of farmers, tradesmen, housekeepers and house-wives, mechanics and laborers, furnish the large proportion of insanity which assumes a chronic and incurable form, due, in too many instances, to delay, neglect and inability. Do these persons receive prompt attention, and are they properly advised at the outset of the attack? Is it the present policy of the State, in its sovereign capacity, to encourage the early admission to the asylum of proper and curable cases for treatment? Are the asylums executing all of their functions, and placing their great resources for treatment within the reach of persons in middling, or very moderate, pecuniary circumstances?

In this connection it is a duty to make a respectful protest against the views which are entertained, and have been expressed in a form to attract attention, that the insane should not be certified for admission to the hospitals, unless in addition to insanity it shall further appear that the individual is unsafe to be at large — dangerous to himself and to others. The general acceptance of this doctrine would quite overthrow the humane and professional tendencies of a century, and change the asylums and hospitals from their distinctive character as medical establishments. The usually received theory, that insanity is a disease or disorder requiring medical and moral means for its care and man-

[Assem. Doc. No. 10.]

agement would soon be surrendered, and asylums and hospitals would degenerate. They would become simply the wretched places of detention and imprisonment they were a hundred years ago — a result which we do not believe those who have announced the views referred to desire, or the possibility of which they have contemplated. The hospitals and asylums of the present day are the results of slow and patient work for many years. To weaken and destroy public confidence, to undo, to initiate the process of disintegration may be the work of a day.

Among the evidences of medical progress which have marked the past few years is the increasing interest manifested by the profession in the study of insanity, and in diseases of the nervous system. This is owing, partly, to the necessity of greater care and knowledge required in the preparation of medical certificates of insanity for commitment to the hospitals; to the increase in the number of the insane requiring advice, and to great advances made in neurological science. It indicates a departure from a former line of medical thought, and a disposition to found a system of pathology which shall have for its basis the nervous organization. The profession is to be congratulated on having made such an important advance. Many functional disorders are now known to have their seat primarily in disease of the nervous system. The bearing these disturbances have, directly and indirectly, on the production of insanity has not received the attention from the profession they deserve. These disorders present themselves first to the general practitioner, and their significance as factors should be recognized and more carefully studied. Looking to a period twenty years hence, if we may judge from the past, the number of the insane in the State will more nearly approximate twenty thousand than ten thousand, the present estimate. It may be suggestive to observe that here is a fruitful field for the work of the student of preventive medicine.

ACKNOWLEDGMENTS.

We again tender thanks to the publishers and editors of the following newspapers who have generously contributed their publications for the use of patients, viz.: Seneca Falls Reveille, Waterloo Observer, Seneca County News, Catholic Times, Geneva Courier, Geneva Gazette, Canandaigua Repository and Messenger, Ovid Independent, Watkins Express, Penn Yan Express, Havana Journal, Elmira Advertiser, Ithaca Democrat, Catholic Union, Seneca County Courier, New York Tablet, Steuben County Courier, Catholic Telegraph, Boston Pilot.

Our thanks are due to Miss Lillian Chase, of Syracuse, for a dramatic reading; and to the Ovid Dramatic Troupe for an entertainment.

Donations were received from the following persons: Flowers on Easter Sunday from W. and T. Smith, Geneva, and Mrs. Charles Seamans, Reading Center, N. Y.; Wm. H. Coleman, Geneva, a set of Dickens' works and other books; S. H. Parker, Geneva, 11 packages of papers; James Mallette, Geneva, 12 packages of papers; O. C. Cooper, Ovid, 10 packages of papers; papers and magazines from Hon. F. O. Mason, Wm. Wood, Rev. C. W. McNish, St. James S. S. Watkins, Mrs. E. S. Rumsey, Mrs. H. Huson, H. S. Schoonmaker, Miss Mary Halsey, Mrs. H. H. Hemingway, Mrs. G. J. Magee, Mrs. C. D. Miller, Miss L. Powis, R. G. Wands, B. L. Hurd, and the Bedford Library, Brooklyn.

During the past year thirty-seven public entertainments were given for the diversion of patients. These were under the direction of Dr. Wise, assisted by the other physicians and members of the household. The asylum is under special obligations to Dr. Wise for his volunteer efforts and resources in this direction the past and previous years.

We acknowledge publicly the religious services rendered to the household by Rev. Mr. McNish, Rev. Mr. Connell, Rev. Mr. Hyde, and Rev. Father O'Connell.

The medical and administrative duties of the asylum have been faithfully performed to the best of their ability by the assistant physicians.

Drs. Carson, Wise, Hopkins, Allison and Lamoreaux, the steward, Mr. Gilbert, and the matron, Miss Bonner. It is a pleasure to state that, in all the perplexities incident to a large and varied household, harmony and co-operation have existed throughout the year.

The attendants and employes, many of whom have rendered valuable service for many years and are attached to the asylum from long residence, are thanked and commended.

Dr. A. Nellis, Jr., resigned and left the service May 11, 1880. Dr. Nellis had been connected with the asylum since October, 1873, during which period he devoted himself very faithfully to all his duties and acquired much valuable experience, which we regret to lose. Dr. N. left the service for the purpose of engaging in private practice.

Dr. E. W. Lamoreaux was appointed assistant physician in June, 1880.

At the close of another year I again record with thankfulness our freedom from any great calamity, and my obligation to the board of trustees for their personal and official confidence and support.

NEW YORK, *December 14, 1880.*

JOHN B. CHAPIN,

Medical Superintendent.

Willard Asylum for the Insane,
Willard, on Seneca Lake.

APPENDIX.

LAWS RELATING TO THE INSANE—CHAP. 446, LAWS OF 1874.

COMMITMENT OF THE INSANE—TITLE FIRST, ARTICLE FIRST.

SECTION 1. No person shall be committed to or confined as a patient in any asylum, public or private, or in any institution, home or retreat for the care and treatment of the insane, except upon the certificate of two physicians under oath, setting forth the insanity of such person. But no person shall be held in confinement in any such asylum for more than five days, unless within that time such certificate be approved by a judge or justice of a court of record of the county or district in which the alleged lunatic resides, and said judge or justice may institute inquiry and take proofs as to any alleged lunacy before approving or disapproving of such certificate, and said judge or justice may, in his discretion, call a jury in each case to determine the question of lunacy.

§ 2. It shall not be lawful for any physician to certify to the insanity of any person for the purpose of securing his commitment to an asylum, unless said physician be of reputable character, a graduate of some incorporated medical college, permanent resident of the State, and shall have been in the actual practice of his profession for at least three years, and such qualifications shall be certified to by a judge of any court of record. No certificate of insanity shall be made, except after a personal examination of the party alleged to be insane, and according to forms prescribed by the State Commissioner of Lunacy, and every such certificate shall bear date of not more than ten days prior to such commitment.

RELATING TO THE WILLARD ASYLUM FOR THE INSANE—TITLE FOURTH, ARTICLE THIRD, CHAPTER 446, LAWS OF 1874.

§ 2. Said trustees shall have all the rights, privileges and powers, and be subject to the same duties, in said asylum, as are now possessed by and imposed upon the board of managers of the State Lunatic Asylum at Utica * * *. Said trustees shall also fix the rate per week, not exceeding the actual cost of support and attendance, exclusive of officers' salaries, for the board of patients. It shall further be the duty of said trustees, as portions of said asylum are completed and ready for the reception of the insane, to designate, in a just and

equitable manner, and with the approval of the Governor, the counties from which the chronic pauper insane shall be sent to said asylum, as parts of the room shall be ready, from time to time, for the reception of patients, except as hereinafter provided.

Section 10, as amended, chapter 574, Laws 1875 :

§ 10. The chronic pauper insane from the poor-houses of the counties shall be sent to the said asylum by the county superintendents of the poor, except from those counties having asylums for the insane, to which they are now authorized to send such insane patients by special legislative enactments, or such counties as have been, or may hereafter be, exempted by the State Board of Charities. And all the chronic insane pauper patients who may be discharged not recovered from State lunatic asylums, and who continue a public charge, shall be sent to the asylum for the insane hereby created; and all such patients shall be a charge upon the respective counties from which they are sent.

ADMISSION AND SUPPORT OF PATIENTS.

On the admission of a patient, there must be presented the certificates of two physicians, sworn to and approved by a judge in the county in which the patient resides.

The following is the form of certificate prescribed by the Commissioner in Lunacy in these cases :

STATE OF NEW YORK, } ss.:
County of , }

I, , a resident of , in the county aforesaid, being a graduate of , and having practiced as a physician, hereby certify, under oath, that on the day of I personally examined , of [Here insert age, sex, married or single, and occupation,] and that the said is insane, and a proper person for care and treatment, under the provisions of chapter 446 of the Laws of 1874.

I further certify that I have formed this opinion upon the following grounds, viz.:

[Here insert facts upon which such an opinion rests.]

And I further declare that my qualifications as a medical examiner in lunacy have been duly attested and certified by. [Here insert the name of the judge granting such certificate.]

Sworn to and subscribed before }
me, this day of , 188 . }

STATE OF NEW YORK, } ss.:
County of , }

I hereby certify that , of , is personally known to me as a reputable physician, and is possessed of the qualifications required by chapter 446 of the Laws of 1874, and I approve of the above certificate.

Judge of

[Form of an order for the admission of a patient at county expense from a county where there is but one superintendent of the poor.]

To the Superintendent of the

WILLARD ASYLUM FOR THE INSANE:

Whereas, ... a person who is chargeable for his support to the county of is a lunatic; and whereas and two reputable physicians, duly qualified as medical examiners under chapter 446 of the Laws of 1874, have certified under oath of h.... insanity; now, therefore, I, the undersigned, sole superintendent of the poor of said county, do hereby order the said to be taken to the said asylum; and do hereby authorize and require you, the said superintendent, to receive h.... into said asylum, and there detain and maintain h.... at the expense of said county until legally discharged therefrom.

Given under my hands this day of 18..

.....
Superintendent of the Poor of... County.

[Form of an order for the admission of a patient at county expense from a county where there is a board of county superintendents of the poor.]

To the Superintendent of the

WILLARD ASYLUM FOR THE INSANE:

Whereas, ... a person who is chargeable for his support to the county of is a lunatic; and whereas and two reputable physicians, duly qualified as medical examiners under chapter 446 of the Laws of 1874, have certified under oath of h.... insanity; now, therefore, we, the undersigned, constituting* the board of superintendents of the poor of said county, and being convened for that purpose, do hereby order the said to be taken to the said asylum; and do hereby authorize and require you, the said superintendent, to receive h.... into said asylum, and there detain and maintain h.... at the expense of said county until legally discharged therefrom.

Given under our hands this day of 18..

.....
.....
.....
Superintendents of the Poor of... County.

*If the whole Board do not sign, insert "a majority of."

Bills are made out and transmitted quarterly in advance to county treasurers on the first days of January, April, July and October, by the treasurer of the asylum.

Patients should be brought to the asylum in a cleanly condition, and free from vermin, *but not from county-houses, or localities infected with small-pox, measles, or contagious diseases.*

All patients require two suits of clothing adapted to the season, and should be brought by some person competent to furnish a history of the case.

Applications for the admission of patients should be made before they are brought to the asylum. All correspondence concerning patients, and the business of the asylum, should be addressed to Dr. John B. Chapin, Superintendent, Willard, Seneca county, N. Y.

Letters are not written to friends of patients at stated intervals, but only in reply to inquiries, and in case of sickness or death.

TWENTY-SEVENTH

ANNUAL REPORT

OF THE

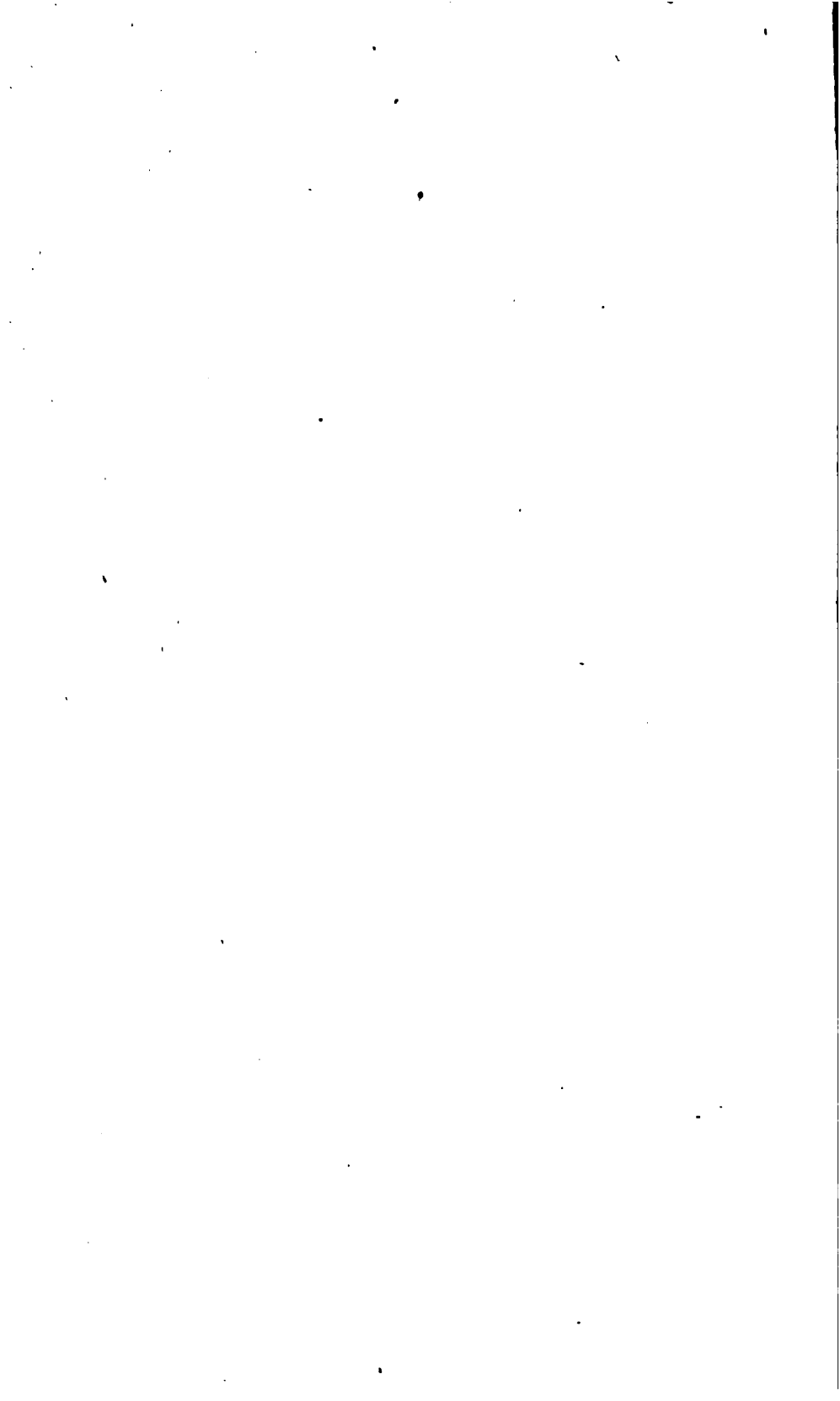
SUPERINTENDENT OF PUBLIC INSTRUCTION

OF THE

STATE OF NEW YORK.

TRANSMITTED TO THE LEGISLATURE JANUARY 5, 1881.

ALBANY:
WEED, PARSONS AND COMPANY.
1881.



STATE OF NEW YORK.

No. 11.

IN ASSEMBLY,

JANUARY 5, 1881.

TWENTY-SEVENTH ANNUAL REPORT

OF THE

SUPERINTENDENT OF PUBLIC INSTRUCTION.

STATE OF NEW YORK:

DEPARTMENT OF PUBLIC INSTRUCTION, }
SUPERINTENDENT'S OFFICE, }
ALBANY, January 5, 1881. }

Hon. GEORGE H. SHARPE,

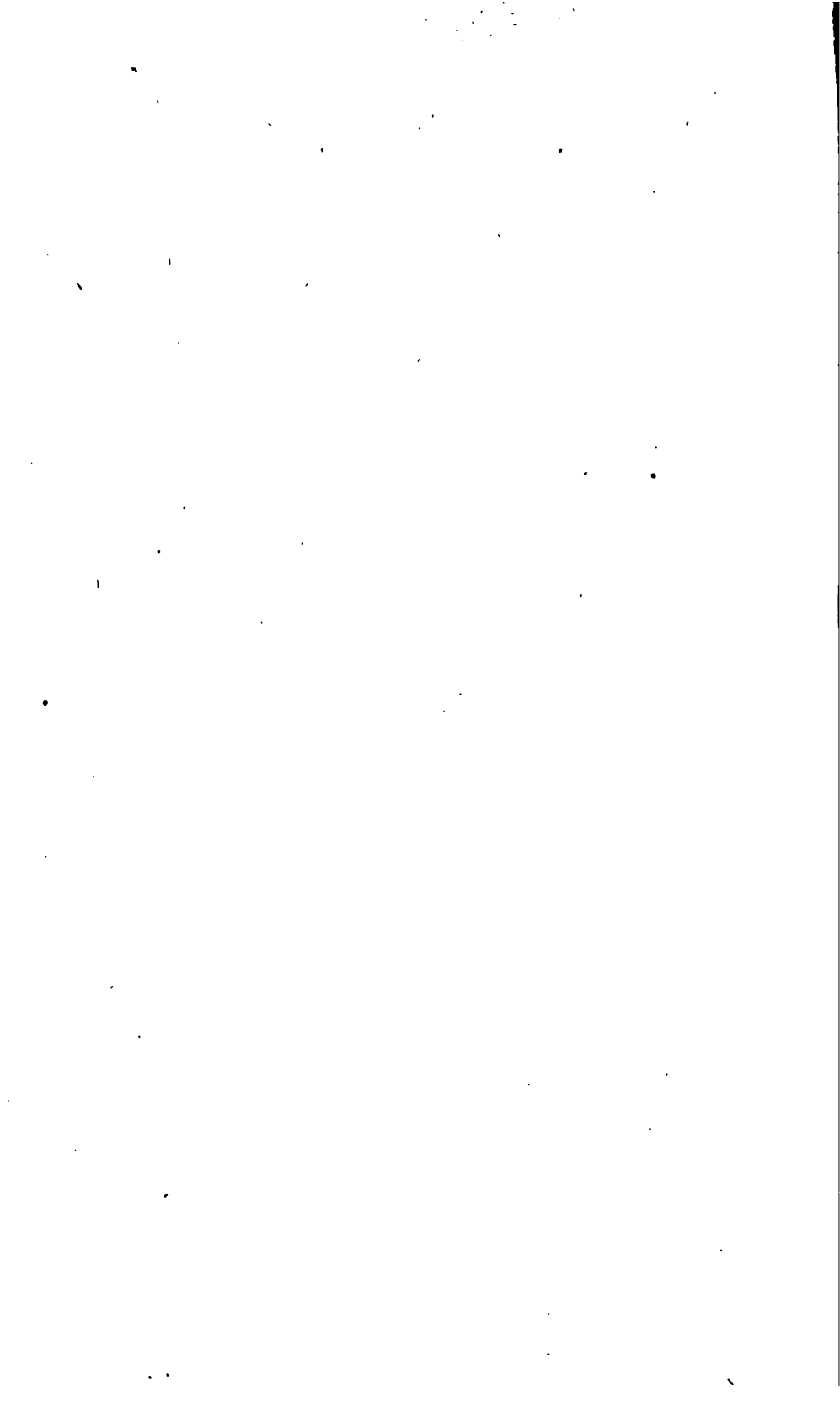
Speaker of the Assembly:

SIR — I herewith transmit to the Legislature the Twenty-seventh Annual Report of the Superintendent of Public Instruction, and the documents accompanying the same.

Very respectfully, your obedient servant,

NEIL GILMOUR.

Superintendent of Public Instruction.



TWENTY-SEVENTH ANNUAL REPORT

OF THE

SUPERINTENDENT OF PUBLIC INSTRUCTION.

STATE OF NEW YORK:
DEPARTMENT OF PUBLIC INSTRUCTION, }
ALBANY, *January 5, 1881.*

To the Legislature of the State of New York:

The Superintendent of Public Instruction, in obedience to the requirements of law, respectfully submits the following

REPORT.

The general results of public education in the State during the past year are very satisfactory.

The attendance was larger than during the previous year, the character of the instruction was better, the qualifications of teachers were advanced, and the supervising officers generally were active in the discharge of their duties. I believe that the common school is preparing the children and youth of the State to become useful citizens. It teaches them self-reliance and inculcates the idea that they must gain success in life by their own efforts.

I respectfully call your attention to the educational work of the past year, and recommend that the generous support heretofore given to the common schools be continued.

SCHOOL DISTRICTS.

The number of school districts in the towns of the State, on the thirtieth of September, was:

1879	11,280
1880	11,263
Decrease	<u>17</u>

SCHOOL-HOUSES.

The number of school-houses, with their classification according to the materials of which they are constructed, was as follows, at the close of the year :

1879.	Log.	Frame.	Brick.	Stone.	Totals.
Cities	..	48	384	8	440
Towns.....	90	10,002	929	401	11,422
Totals.....	90	10,050	1,313	409	11,862
1880.					
Cities	..	47	378	9	434
Towns.....	83	10,030	948	404	11,465
Totals	83	10,077	1,326	413	11,899

Their number and classification, as reported for the years 1870 and 1880, were as follows :

Years.	Log.	Frame.	Brick.	Stone.	Totals.
1870	127	9,904	1,162	502	11,695
1880	83	10,077	1,326	413	11,899
Increase.....	...	173	164	...	204
Decrease	44	....	....	89	.....

COST AND VALUE OF SCHOOL-HOUSES AND SITES.

The amount expended during the last ten years for school-houses, outbuildings, sites, fences, furniture and repairs, is as follows :

Years.	Cities.	Towns.	State.
1871.....	\$692,862 79	\$901,198 14	\$1,594,060 93
1872.....	1,110,144 14	878,779 04	1,988,923 18
1873.....	1,050,926 50	943,206 39	1,994,132 89
1874.....	1,146,008 79	816,189 21	1,962,198 00
1875.....	1,126,107 23	801,359 70	1,927,466 93
1876.....	1,006,100 37	774,042 91	1,780,143 28
1877.....	774,186 56	584,217 79	1,358,404 35
1878.....	757,937 17	605,492 40	1,363,429 57
1879.....	701,769 83	528,694 38	1,230,464 21
1880.....	541,999 78	603,831 37	1,145,831 15
Totals	\$8,908,043 16	\$7,437,011 33	\$16,345,054 49

The aggregate value of school-houses and sites in 1871, and in each successive year, is shown to be as follows:

Years.	Cities.	Towns.	State.
1871.....	\$14,606,903	\$8,861,363	\$23,468,266
1872.....	15,165,314	9,350,936	24,516,250
1873.....	16,767,026	10,429,394	27,196,420
1874.....	19,006,446	10,209,703	29,216,149
1875.....	19,385,033	10,543,593	29,928,626
1876.....	20,363,519	10,654,385	31,017,904
1877.....	19,937,978	10,448,270	30,386,248
1878.....	19,800,490	10,347,099	30,147,589
1879.....	19,895,244	10,117,335	30,012,579
1880.....	20,230,928	10,516,581	30,747,509

The average value of school-houses and sites in the towns, in the same years, was:

Years.	
1871.....	\$780 46
1872.....	823 65
1873.....	919 38
1874.....	899 05
1875.....	927 96
1876.....	935 08
1877.....	916 91
1878.....	908 19
1879.....	885 78
1880.....	917 27

The average value of school-houses and sites in the cities, for 1880, was \$46,615.04.

CHILDREN.

The whole number of children between the ages of five and twenty-one years, as reported, was:

Years.	Cities.	Towns.	State.
1879.....	792,749	835,978	1,628,727
1880.....	813,068	828,115	1,641,173

ATTENDANCE.

The number of pupils attending the public schools, some portion of the school year, was 1,031,593.

The whole number in attendance in each of the last ten years is shown in the following table:

Years.	Cities.	Towns.	State.
1871.....	411,133	616,977	1,028,110
1872.....	409,272	614,858	1,024,130
1873.....	416,063	614,716	1,030,779
1874.....	438,049	606,315	1,044,364
1875.....	445,552	613,686	1,059,238
1876.....	449,049	618,150	1,067,199
1877.....	407,343	616,372	1,023,715
1878.....	416,468	615,584	1,032,052
1879.....	422,451	607,590	1,030,041
1880.....	428,451	603,142	1,031,593

The whole number of days of attendance, for each of the last five years, was as follows :

Years.	Cities.	Towns.	State.
1876.....	45,570,515	52,593,372	98,163,887
1877.....	48,324,446	53,055,752	101,380,198
1878.....	50,567,683	55,325,417	105,893,100
1879.....	51,916,598	54,061,265	105,977,863
1880.....	51,933,883	53,997,879	105,931,762

The following statement shows the average daily attendance of pupils :

Years.	Cities.	Towns.	State.
1873.....	203,697	295,772	499,469
1874.....	215,907	299,318	515,225
1875.....	226,980	304,855	531,835
1876.....	231,412	310,198	541,610
1877.....	244,236	315,301	559,537
1878.....	252,704	324,902	577,606
1879.....	255,558	314,824	570,382
1880.....	258,351	314,738	573,089

The average time each pupil in the towns attended school was seven-teen and nine-tenths weeks ; in the cities, twenty-four and two-tenths weeks.

COUNTIES AND CITIES.	1.	2.	3.	4.	5.
	Number of children over 5 and under 21 years of age, for each qualified teacher.	Whole number of children attending school any portion of the year, for each qualified teacher.	Average daily attendance per teacher.	Per cent. of average daily attendance on whole number of children between 5 and 21 years of age.	Per cent. of average daily attendance on whole number of children attending school any portion of the year.
Albany.....	77	52	23	29.87	44.28
City.....	154	61	40	28.57	65.57
Coboes.....	185	62	36	19.46	58.06
Allegany.....	45	38	20	44.44	52.63
Broome.....	41	35	19	46.34	54.28
Binghamton.....	83	52	37	44.57	71.15
Cattaraugus.....	50	38	21	42.00	55.28
Cayuga.....	46	38	20	43.47	52.63
Auburn.....	96	47	35	37.30	74.46
Chautauqua.....	48	35	22	45.33	62.85
Chemung.....	49	41	20	40.81	48.80
Elmira.....	80	55	39	46.25	70.90
Chenango.....	35	28	17	48.67	60.71
Clinton.....	62	45	22	36.45	48.88
Columbia.....	61	44	21	34.42	47.72
Hudson.....	141	55	34	24.30	61.81
Cortland.....	40	32	17	42.50	53.12
Delaware.....	37	31	16	43.21	51.61
Dutchess.....	74	45	23	31.08	51.11
Poughkeepsie.....	100	63	34	34.00	53.96
Erle.....	73	46	22	30.13	47.82
Buffalo.....	127	55	32	25.19	58.18
Essex.....	54	39	20	37.63	51.28
Franklin.....	54	41	20	37.63	48.78
Fulton.....	64	46	25	39.00	54.34
Genesee.....	64	44	23	35.63	52.27
Greene.....	52	38	20	38.46	52.63
Hamilton.....	36	28	12	33.33	42.85
Herkimer.....	52	39	21	40.38	53.84
Jefferson.....	42	34	18	42.85	52.94
Watertown.....	66	46	28	39.06	60.86
Kings.....	136	68	36	28.46	52.09
Brooklyn.....	137	73	40	29.12	54.79
Lewis.....	46	33	17	36.95	51.51
Livingston.....	57	40	21	36.85	52.50
Madison.....	45	37	19	42.22	51.35
Monroe.....	68	47	24	35.29	51.06
Rochester.....	148	51	35	23.65	68.62
Montgomery.....	82	56	26	31.70	40.42
New York.....	126	71	43	34.12	60.56
Niagara.....	70	48	25	35.71	52.08
Lockport.....	93	60	33	38.70	60.00
Oneida.....	55	40	21	38.18	52.52
Utica.....	117	54	37	31.62	68.51
Onondaga.....	55	44	24	43.63	54.54
Syracuse.....	102	51	40	39.21	78.43
Ontario.....	57	43	24	42.10	55.81
Orange.....	78	55	28	35.89	50.90
Newburgh.....	111	63	41	36.93	65.07
Orleans.....	56	44	23	41.07	52.27
Oswego.....	50	41	22	44.00	53.65
City.....	129	60	42	36.93	70.00
Otsego.....	41	34	19	46.34	55.88
Putnam.....	61	46	23	37.70	50.00
Queens.....	109	63	32	29.35	50.79
Long Island City.....	113	75	45	39.82	60.00
Rensselaer.....	78	48	25	32.05	52.08
Troy.....	125	59	38	30.40	64.40
Richmond.....	140	74	37	26.42	50.00
Rockland.....	93	61	29	31.18	47.54
St. Lawrence.....	47	36	19	40.42	52.77
Ogdensburg.....	130	67	35	28.92	52.23

COUNTIES AND CITIES.	1.	2.	3.	4.	5.
	Number of children over 5 and under 21 years of age, for each qualified teacher.	Whole number of children attending school any portion of the year, for each qualified teacher.	Average daily attendance per teacher.	Per cent. of average daily attendance on whole number of children between 5 and 21 years of age.	Per cent. of average daily attendance on whole number of children attending school any portion of the year.
Saratoga.....	56	41	21	37.50	51.21
Schenectady.....	59	38	18	33.96	47.96
City.....	112	57	30	34.83	48.43
Schoharie.....	46	37	18	39.19	48.64
Schuyler.....	43	35	19	45.33	54.23
Seneca.....	62	45	23	37.09	51.11
Steuben.....	51	40	20	43.16	55.00
Suffolk.....	74	52	28	37.83	53.84
Sullivan.....	63	46	21	39.87	45.03
Tioga.....	49	41	22	44.89	53.06
Tompkins.....	47	38	17	45.93	60.52
Ulster.....	89	60	28	31.46	46.06
Warren.....	54	37	17	31.48	45.91
Washington.....	49	40	21	42.86	52.50
Wayne.....	56	43	22	39.28	51.16
Westchester.....	96	54	27	28.42	50.00
Wyoming.....	46	37	20	43.47	54.06
Yates.....	48	39	21	47.91	53.84
Towns.....	58	42	22	37.93	52.38
Cities.....	123	67	40	32.52	59.70
State.....	79	49	28	36.44	57.14

SCHOOL TERMS.

The average length of school terms in the cities was forty and five-tenths weeks; in the whole State, thirty-five and seven-tenths weeks.

The following table shows the average length of time the schools were in session, in the towns, for each of the ten years mentioned :

Years.	Weeks.
1871.....	32.4
1872.....	32.4
1873.....	32.4
1874.....	32.4
1875.....	32.4
1876.....	32.4
1877.....	33.1
1878.....	33.5
1879.....	33.5
1880.....	33.5

INSTRUCTION.

The number of pupils instructed in the several common schools, normal schools, academies, colleges and private schools, during the year, was as follows :

Common schools.....	7,031,593
Normal schools.....	5,753
Academies.....	30,909
Colleges.....	3,641
Private schools.....	108,567
Law schools.....	653
Medical schools.....	2,579
Total.....	<u>1,183,695</u>

TEACHERS.

The whole number of teachers employed in the common schools was:

Years.	Males.	Females.	Totals.
1879.....	8,164	22,505	30,669
1880.....	<u>7,992</u>	<u>22,738</u>	<u>30,730</u>

The number reported as "employed at the same time for twenty-eight weeks or more," in each of the last five years, is given in the following table:

Years.	Cities.	Towns.	State.
1876.....	5,648	13,694	19,342
1877.....	5,890	13,848	19,738
1878.....	5,988	13,960	19,948
1879.....	6,194	14,103	20,297
1880.....	<u>6,358</u>	<u>14,239</u>	<u>20,597</u>

During a period of thirteen years there has been an increase each year in the number of teachers employed for the full legal term of school. This exhibit is an evidence of an increasing interest in educational work, and is an encouragement to those desiring to engage in the profession of teaching.

TEACHERS' LICENSES.

The following statement shows by whom the teachers employed in the schools were licensed:

	Normal Schools.	Supt. Pub. Inst.	Local Officers.	Totals.
1879.				
Cities.....	355	418	6,255	7,028
Towns.....	536	710	22,395	23,641
Totals.....	<u>891</u>	<u>1,128</u>	<u>28,650</u>	<u>30,669</u>
1880.				
Cities.....	354	402	6,400	7,156
Towns.....	714	681	22,179	23,574
Totals.....	<u>1,068</u>	<u>1,083</u>	<u>28,579</u>	<u>30,730</u>

TEACHERS' WAGES.

The amount expended for teachers' wages was:

Years.	Cities.	Towns.	State.
1873	\$3,693,641 64	\$3,721,539 75	\$7,415,181 39
1874	3,880,536 24	3,720,982 49	7,601,518 73
1875	4,071,500 23	3,778,167 15	7,849,667 38
1876	3,220,033 27	3,745,771 24	7,965,804 51
1877	4,292,195 98	3,623,437 53	7,915,633 51
1878	4,240,294 30	3,516,550 01	7,756,844 31
1879	4,226,050 50	3,374,341 50	7,600,392 00
1880	4,296,887 89	3,342,033 99	7,638,921 88

The average annual salary for each teacher, calculated from the foregoing statement, was:

Years.	Cities.	Towns.	State.
1873.....	\$747 70	\$278 66	\$405 31
1874.....	741 26	278 38	408 57
1875.....	734 26	279 28	411 55
1876.....	740 09	273 73	411 83
1877.....	728 73	261 66	401 04
1878.....	708 13	251 90	388 85
1879.....	682 28	239 26	374 45
1880.....	675 82	234 70	369 56

The average weekly wages was:

Years.	Cities.	Towns.	State.
1875	\$18 04	\$8 51	\$11 72
1876	18 13	8 45	11 73
1877	17 43	7 90	11 23
1878 ..	17 27	7 52	10 86
1879	16 60	7 14	10 45
1880	16 68	7 00	10 35

DISTRICT QUOTA.

The "district quota" is determined annually, on or before the 20th of January, by dividing the aggregate amount apportioned for that purpose by the number of teachers employed during the previous year, in the several districts, for the prescribed legal term of twenty-eight weeks.

The amount paid as a "district quota" was:

Years.	
1876.....	\$50 13
1877.....	50 80
1878.....	52 14
1879.....	48 42
1880.....	47 60
1881.....	46 88

SUMMARY.

The following is a summary of the statistical reports for the year ending September 30, 1880. For a detailed statement, by counties, see table No. 4, in the appendix.

	Cities.	Towns.	State.
Number of districts.....		11,263	11,263
Number of teachers employed at the same time for twenty-eight weeks or more.....	6,358	14,239	20,597
Number of children between 5 and 21 years of age.....	813,058	828,115	1,641,173
Number of male teachers employed.....	618	7,374	7,992
Number of female teachers employed.....	6,358	16,900	23,738
Number of children attending the common schools.....	428,451	903,142	1,331,593
Average daily attendance.....	258,351	814,733	673,089
Number of visitations by school commissioners.....		18,815	18,815
Number of volumes in district libraries.....	162,339	573,814	736,653
Number of log school-houses.....		83	83
Number of frame school-houses.....	47	10,030	10,077
Number of brick school-houses.....	378	948	1,326
Number of stone school-houses.....	9	404	413
Whole number of school-houses.....	434	11,465	11,899

PUBLIC MONIES.

The following table shows the receipts and payments on account of the Common School Fund during the year :

Receipts.

Balance in the treasury October 1, 1879.....	\$474 29
Interest on bonds for lands.....	11,451 47
Interest on bonds for loans.....	10,851 46
Interest on loan of 1840.....	3,081 53
Interest on U. S. stock.....	22,250 00
Dividends on Manhattan Company stock.....	3,500 00
Rent of land.....	174 00
Interest on money in the treasury.....	130,541 12
District Columbia bonds.....	1,825 00

	\$184,148 87
Amount transferred from U. S. Deposit Fund.....	165,000 00
	<u>\$349,148 87</u>

Payments.

Dividends to common schools.....	\$245,400 00
School commissioners' salaries.....	89,586 43
Indian schools.....	4,969 41
Premium on stock purchased.....	25,000 00

	\$364,955 84
Deficiency September 30, 1880.....	15,806 97
	<u>\$349,148 87</u>

FREE SCHOOL FUND.

The following table shows the receipts and payments on account of the State School tax during the year:

Receipts.

Balance on hand October 1, 1879	\$249,258 04
Proceeds of tax.....	2,913,148 14
Interest on deposits.....	2,911 22
On account of back tax from Westchester county....	3,964 46
	\$3,169,281 86

Payments.

Regular apportionment to counties.....	\$2,745,777 20
Supplementary apportionment.....	1,423 28
Normal school at Albany.....	18,002 89
Normal school at Brockport.....	17,154 17
Normal school at Buffalo.....	17,598 81
Normal school at Cortland.....	18,712 61
Normal school at Fredonia.....	18,005 59
Normal school at Geneseo.....	18,050 56
Normal school at Oswego.....	18,128 57
Normal school at Potsdam.....	17,871 87
Indian schools.....	3,031 27
Teachers' Institutes	15,125 86
Fees of county treasurers.....	1,550 78
Transfer, per chapter 272, Laws of 1879.....	17,107 00
Balance on hand September 30, 1880.....	241,741 40
	\$3,169,281 86

It is suggested that hereafter the salaries of school commissioners be made payable from this fund, instead of from the United States Deposit Fund, as at present. The revenues derived from the latter fund are not nearly as great as they were some years ago, and are inadequate to meet the appropriations which have heretofore been made. Should the appropriations for the salaries of school commissioners be made from the Free School Fund, I recommend that the State school tax be made at least one and one-eighth mills upon the dollar.

STATEMENT OF ALL SCHOOL MONEYS RECEIVED AND APPORTIONED.

The State School moneys for the fiscal year ending September 30, 1881, are to be derived from the following sources:

From the Common School Fund.....	\$170,000 00
From the United States Deposit Fund.....	165,000 00
From the State School Tax.....	2,750,000 00
	\$3,085,000 00

The apportionment has been made, as required by law, and is as follows:

For salaries of school commissioners.....	\$89,600 00
For supervision in cities and villages.....	41,400 00
For libraries.....	50,000 00
For contingent fund, including \$81.82 for separate neighborhoods	1,457 69
For Indian schools.....	3,389 35
For district quotas.....	966,384 32
For pupil and average attendance quotas.....	1,932,768 64
	\$3,085,000 00

The following table is a summary of the financial reports relating to common schools, for the year ending September 30, 1880. For a detailed statement by counties, see appendix, table No. 5.

RECEIPTS.	Cities.	Towns.	State.
Amount on hand October 1, 1879.....	\$650,183 12	\$319,842 17	\$978,595 29
Apportionment of public moneys.....	1,240,434 44	1,758,324 58	2,798,779 02
Proceeds of gospel and school land.....	1,963 14	23,863 45	84,828 59
Raised by tax.....	4,641,409 07	2,284,682 87	6,925,991 94
Estimated value of teachers' board.....	.....	123,771 87	123,771 87
From all other sources.....	115,101 25	213,892 20	828,993 45
Totals	\$6,658,111 02	\$4,782,777 14	\$11,390,888 16
PAYMENTS.			
For teachers' wages.....	\$4,236,887 89	\$3,345,093 99	\$7,638,921 88
For libraries.....	13,910 63	16,487 88	30,398 51
For school apparatus.....	165,231 42	30,845 55	196,076 97
For colored schools.....	41,323 96	7,156 86	48,480 82
For school-houses, sites, etc.....	541,999 78	603,831 37	1,145,831 15
For all other incidental expenses.....	823,551 39	413,893 41	1,236,944 80
Forfeited in hands of supervisors.....	.....	321 63	321 63
Amount on hand September 30, 1880.....	775,205 95	318,704 95	1,093,910 90
Totals	\$6,658,111 02	\$4,782,777 14	\$11,390,888 16

By deducting from the totals, under the head of payments, the sums remaining on hand September 30, 1880, it appears that the actual expense of maintaining the common schools during the year, was as follows:

In the cities.....	\$5,882,905 07
In the towns	4,414,072 19
Total....	\$10,296,977 26
Corresponding total for 1879.....	10,348,918 08
Decrease	\$51,940 82

The total expenditures for the maintenance of our public schools in each year, from 1850 to the present* time, is shown in the following table:

1850.....	\$1,607,684 85
1851.....	1,884,826 16
1852.....	2,249,814 02
1853.....	2,469,248 52
1854.....	2,666,609 36
1855.....	3,544,587 62
1856.....	3,323,049 98
1857.....	3,792,948 79
1858.....	*2,500,000 00
1859.....	3,664,617 57
1860.....	3,744,246 95
1861.....	3,841,270 81
1862.....	3,955,664 33
1863.....	3,859,159 21
1864.....	4,549,870 66
1865.....	5,735,460 24
1866.....	6,632,935 94
1867.....	7,683,201 22
1868.....	9,040,942 02
1869.....	9,886,786 29
1870.....	9,905,514 22
1871.....	9,607,903 81
1872.....	10,416,588 00
1873.....	10,946,007 21
1874.....	11,088,981 70
1875.....	11,459,353 43
1876.....	11,439,038 78
1877.....	10,976,234 45
1878.....	10,626,505 69
1879.....	10,348,918 08
1880.....	10,296,977 26
Total.....	\$203,744,947 17

The following table shows the entire amount expended during the year for the maintenance of public educational interests, not including appropriations made to orphan asylums and other public charities in which instruction is given:

For the wages of common school teachers.....	\$7,638,921 88
For district libraries.....	30,398 51
For school apparatus.....	196,076 97
For colored schools.....	48,482 32
For buildings, sites, furniture, repairs, etc.....	1,145,831 15
For other expenses incident to the support of common schools.....	1,236,944 80
State appropriation for the support of academies...	43,182 81

* Estimated.

State appropriation for teachers' classes in academies,	\$27,832 00
For teachers' institutes.....	15,125 86
For normal schools.....	164,885 93
For Cornell University.....	27,600 00
For Elmira Female College.....	3,500 00
For Indian schools.....	8,000 68
For salaries of school commissioners.....	89,586 43
For Department of Public Instruction.....	20,434 77
For Regents of the University.....	9,067 98
Total.....	<u>\$10,705,872 09</u>
Corresponding total for 1879.....	<u>10,792,373 44</u>
Decrease ..	<u><u>\$86,501 35</u></u>

DISTRICT LIBRARIES.

Nearly all the school commissioners of the State are of the opinion that the district libraries are no longer of any moment in our system of education ; that they have passed their days of usefulness. Various suggestions are made for the apportionment of the library money ; some recommend that it be used for payment of teachers' wages, others that it should still be distributed for library purposes, and that the districts should be required to raise a certain amount in addition to that given by the State. Still others recommend that the district libraries be consolidated and form a town library, and some recommend that the money be used for the purchase of apparatus. In former reports I have advanced the idea that some legislation should be had on this subject, if the library money is still to be apportioned among the districts of the State.

I do not believe that much good results from the apportionment of library money as now made. The district libraries are, in many instances, used up, and are of no practical value whatever. The money apportioned for their support should be devoted to the purchase of school apparatus, or else the libraries in each town should be consolidated, a town library be established, and a town tax be required to be levied for its support.

TEACHERS' INSTITUTES.

Under the provisions of the general school law, it is the duty of every school commissioner, at least annually, to organize in his own district, or in concert with the other commissioners in his county to organize in and for the combined districts, a teachers' institute, and to secure the attendance of all the teachers thereat, if possible. Under this provision of law a teachers' institute is not held in a commissioner district unless such district comprises the whole county. It has been

the practice, for a number of years, to have county teachers' institutes, because it is believed that generally better results are secured at a much less expense than if institutes were held in each commissioner district. The school commissioners cheerfully comply with this provision of law, and usually the institute is regarded as productive of much good in creating enthusiasm and giving teachers new ideas in their work, which many of them reduce to practice in the school-room.

The act relating to institutes does not apply to the county of New York, and the territory of Hamilton county is so situated that all the teachers thereof can be better accommodated in adjoining county teachers' institutes than at any place in their own county. Institutes were held in fifty-eight counties during the year, and in twenty counties there was a second session. An institute was as usual organized for the benefit of the teachers on the Allegany and Cattaraugus Indian Reservations. The length of a session is one week. Whilst one week is not long enough to do all that ought to be done in an institute, experience has shown that it is as long as the majority of teachers will attend. The attendance at the institutes last year was larger than during any previous year; the number of teachers in attendance was 15,404. The total expense of the institutes was \$15,618.50, or a little more than \$1.01 *per capita*. The character of the instruction was good; some of the conductors have made enviable reputations as thorough, earnest, and good workers in this field. I have been able, with the aid of the school commissioners, to distribute the institutes through a greater portion of the year than heretofore; by this means I have succeeded in giving more constant employment to the instructors than formerly, some of whom are giving their entire time and attention to this work.

Teachers' institutes have become so important an element of the educational system of the State, that a corps of instructors should be employed in the same manner as are the teachers in a normal school; the normal school and the teachers' institute do work of the same kind, the object of both being the training and preparation of teachers to enter the school-room and do effective work.

There can be no question but that the institutes have grown steadily in favor with commissioners, teachers and the public. They are also largely attended by those who are not teachers, and great interest in the exercises is manifested. The commissioners are unanimous in the expression of opinion that the institutes held last year were the best they have had, and I am myself thoroughly convinced that they are of far greater value now than they were a few years ago. In great part this improvement is due to the faithful and intelligent

labors of the instructors, but credit is also due to the commissioners, who, in nearly every instance, have co-operated heartily with the instructors and the Department. Of course the training which teachers receive in the institutes cannot be so thorough and complete as that of a normal school, but while only a small portion of the teachers can avail themselves of the privileges afforded by the normal schools, the institutes are brought within the reach of all. That they are constantly growing in popularity is not, therefore, cause for surprise.

For further information in reference to institutes you are respectfully referred to the following table and to the table in the appendix:

TEACHERS' INSTITUTES.

COMPARATIVE SUMMARY for the ten years ending December 31, 1880.

YEARS.	Number of coun- ties.	Number of insti- tutes.	Number of teach- ers in attend- ance.	Average number of teachers per county.	Average number of teachers per institute.	Per cent. of at- tendance on the whole number of teachers in counties where institutes are held.	Amount paid by the State.	Average expense per county.	Average expense per teacher.
1871.....	57	58	10,412	183	180	80.0	\$17,177 12	\$301 35	\$1 65
1872.....	54	55	8,683	161	158	71.4	15,724 48	291 19	1 81
1873.....	55	55	9,364	172	179	80.0	14,880 79	271 47	1 51
1874.....	58	58	11,478	188	188	72.2	16,819 39	281 38	1 42
1875.....	58	58	10,833	188	188	67.0	16,207 89	279 44	1 48
1876.....	58	59	10,991	189	187	68.0	13,119 78	228 20	1 19
1877.....	58	59	11,802	205	201	70.4	13,019 84	224 48	1 09
1878.....	58	73	13,354	230	182	78.1	14,698 01	253 41	1 10
1879.....	58	78	14,569	251	186	84.3	14,839 22	255 67	1 01
1880.....	58	79	15,404	265	195	87.8	15,618 50	298 28	1 01

INDIAN SCHOOLS.

The following is a statement of the receipts and payments on account of Indian schools during the fiscal year :

Receipts.

Balance on hand October 1, 1879	\$139 80
Appropriation, chapter 148, Laws of 1879.....	5,000 00
Apportionment from Free School Fund.....	3,413 09
Total.....	\$8,552 89

Payments.

Allegany and Cattaraugus reservations.....	\$4,232 75
Oneida and Madison reservations.....	355 92
Onondaga reservation.....	344 91
St. Regis reservation.....	941 58
Shinnecock and Poospatuck reservations.....	681 06
Tonawanda reservation.....	639 27
Tuscarora reservation.....	521 40
Expenses of visitation.....	83 79
Balance on hand September 30, 1880, regular appropriation and apportionment.....	471 07
Balance of special appropriation, lapsed.....	81 14
Total.....	\$8,552 89

The number of children of school age, residing upon the reservations, is 1,590, of which number 1,164 attended school some portion of the year. The average daily attendance upon all the schools was 625.

The appropriation made by the Legislature from the income of the Common School Fund, for the support of Indian schools, is not sufficient. Since it was fixed at the rate of \$5,000 a year three new schools have been established, and if they are all to be maintained, an appropriation of \$6,000 for their support would not be too much. The usual reports of local superintendents of Indian schools will be found among the documents accompanying this report.

SCHOOLS FOR THE DEAF AND DUMB.

Thirteen hundred and thirty-five pupils were instructed in the several institutions for the deaf and dumb under the supervision of this Department during the year, an increase of forty-seven over the year 1878-9. They were apportioned among the several institutions as follows :

New York Institution (Washington Heights).....	553
New York Institution (Broadway).....	119
Buffalo Institution.....	130
Rome Institution.....	168
Rochester Institution.....	131
Fordham Institution.....	234

These institutions have been visited by me personally, or by authorized agents of the Department during the year, and all of them have been found in a healthy condition in every respect, except that in one or two instances they were somewhat cramped for lack of funds.

The law seems to leave me no discretion in the matter of making appointments of persons of suitable age when application is made in due form, but the question has been raised whether the State is liable for the maintenance of a greater number than is provided for in the appropriation bill. Of course the State intends to furnish equal facilities for the education of all deaf and dumb children of suitable age within her borders, and I respectfully recommend, therefore, that the appropriations be made sufficiently large to insure the admission of all who apply in the manner prescribed by law.

The State pupils in the several institutions last year numbered 640; the county pupils, 479; the New Jersey State pupils, 117; and 99 were supported by parents, guardians or friends.

Interesting reports from the managers of the several deaf and dumb institutions will be found in the appendix.

NEW YORK INSTITUTION FOR THE BLIND.

The number of pupils in the New York Institution for the Blind at the beginning of the school year was 200. During the year thirty-two were admitted, making the whole number under instruction 232. Twenty-nine were dismissed, leaving 203 in the institution on the 30th of September, 1880.

There has been no change in the course of instruction. The sanitary condition of the institution has not been excelled by that of any other, either in the State or country.

Detailed information will be found in the appendix.

NAUTICAL SCHOOL.

The report of the Chamber of Commerce of the State of New York, in reference to the annual examination of the Nautical School of the Port of New York, is printed in the appendix. The attention of the Legislature is respectfully called to this interesting document.

EDUCATIONAL MEETINGS.

During the past year an unusual number of meetings of teachers was held in the State of New York.

The University Convocation held its seventeenth annual meeting in the Assembly chamber, beginning on the 13th day of July, 1880, and continuing three days.

The New York State Teachers' Association met at Canandaigua and was in session three days.

The convention of school commissioners and city superintendents was held at Utica during the month of December.

The usual educational papers were read and discussed, and the sessions were profitable and interesting.

In addition to these regular gatherings of New York teachers, the Ohio State Teachers' Association and the National Association of Teachers held their conventions at Chautauqua Lake, while the American Institute of Instruction convened at Saratoga. A cordial welcome was given to these associations by New York teachers.

There are also many voluntary associations in the various counties, which give aid and pleasure to those who attend them. These gatherings are productive of good. The teachers come together, compare notes, and receive from each other new ideas, many of which are reduced to practice in the school-room. When it is remembered that, in the various counties teachers' institutes are held at least annually, and in some counties twice a year, it will be seen that the teachers of the State have unusual facilities for comparison of views, and many teachers avail themselves of the means thus given to advance themselves in their profession.

Hon. Erastus C. Benedict, a Regent of the University for a quarter of a century, and for three years the Chancellor of the board, died in October last. During his long and active career he was prominently identified with educational work, and by his death the cause lost a warm advocate.

Dr. Samuel B. Woolworth, for over a quarter of a century the secretary of the board, and for a brief period its honorary secretary, died in June last. In early life and until he was elected secretary of the board, he had been an active and successful teacher. His labors in this field will long be remembered by those engaged in teaching and by the public.

It is remarkable that the long service of these persons in connection with the board began and ended almost at the same time, and that both attained the ripe age of four score years.

TEACHERS' CLASSES IN ACADEMIES.

Under the provisions of chapter 425, Laws of 1877, the Regents of the University are authorized to appoint academies and academical departments of union schools in the several counties of the State to give instruction "in the science and practice of common-school teaching." The annual appropriation for this work has been made from the United States Deposit Fund. For several years past, the income of this fund has been insufficient to meet the appropriations made from it; and the Comptroller has recently given notice to the Regents that, after allowing apportionments for instruction given during the last winter and spring terms, he must withhold payments until further action by the Legislature. Under these circumstances, the Regents have decided that until the requisite fund is provided, no appointments to give such instruction can legally be made. The attention of the Legislature is earnestly called to this subject, and I heartily recommend that adequate and sure provision be made for the maintenance of these classes.

SUPERVISION.

The school commissioners, with few exceptions, have worked diligently and faithfully, and some of the results of their labors are briefly summed up elsewhere. To the great majority of them my thanks are due for earnest and hearty coöperation in the work in which we are engaged, and for prompt compliance with such instructions as have been issued from the Department from time to time. A competent man, who devotes his whole time to the work, and who faithfully discharges the multifarious and important duties of the office, deserves a salary greater than is now provided by law for the office of school commissioner.

As heretofore recommended, I still believe that qualifications for school commissioners should be required. In this opinion I am sustained by many of the best commissioners who think that it would be well to require that a candidate for this office should either be "the holder of a State certificate, or be a graduate of a normal school or higher institution of learning; besides having had several years' successful experience in teaching" as recommended in my last report. I respectfully ask your consideration to this suggestion.

TOWNSHIP SYSTEM.

The township system still continues to be discussed, and I believe the weight of opinion of teachers and school officers is favorable to the establishment of the same.

But, as written in my last report, I am aware of the "unwisdom of making sudden, radical changes in our educational system."

I therefore renew the recommendation heretofore made that "the Legislature pass an act conferring upon the legal voters in towns the right to change from the school district system to the township system, and thus gradually bring about so desirable a result, in the event that it is deemed unwise to adopt at once the township system."

In any event there can be no doubt, as elsewhere intimated, that there should be a town board of education for the employment of teachers, and to this I ask your careful consideration.

STATE CERTIFICATES.

Examinations of applicants for State certificates were held during the past year at Albany, Binghamton, Brooklyn, Buffalo, Elmira, Plattsburgh, Syracuse and Watertown, commencing July 27. The examination at Albany was conducted by Prof. J. L. Bothwell and Supt. Chas. W. Cole; at Binghamton, by Profs. James Johonnot and George L. Farnham; at Brooklyn, by Prof. John Kennedy and Supt. Thomas W. Field; at Buffalo, by Prof. R. E. Post; at Elmira, by Prof. Francis P. Lantry and Supt. M. M. Merrell; at Plattsburgh, by Prof. C. T. Barnes and Supt. John E. Myer; at Syracuse, by Prof. Charles T. Pooler and Supt. Edward Smith, and at Watertown, by Prof. Henry C. Northam and Supt. Fred Seymour.

Forty-seven candidates presented themselves for examination, of which number twenty were successful in passing and were recommended to the Department as proper persons to hold State certificates, which were accordingly issued.

The act of 1875, providing that State certificates should be granted only upon examination, and not as formerly on recommendation, has challenged the admiration and favorable commendation of prominent educators and others interested in the cause of education. It was a step in the right direction, and many teachers are now preparing themselves to pass the required examination, so as to reach the goal of their ambition as teachers. The general criticism on the plan and on the examinations themselves has been favorable, and good results have already been obtained therefrom, and are still confidently expected.

The circular and reports of the examining committees are published in the appendix.

WOMEN AS VOTERS AND SCHOOL OFFICERS.

Under the provisions of chapter 9, Laws of 1880, women are authorized to vote at school meetings and to serve as school officers. This was a departure in the State of New York from the old system, but one

which I believe will prove advantageous to the interests of education. Although new in this State, it had been tested elsewhere with good results.

Where, under the provisions of the law referred to, women voted and were elected to school offices, the results have been beneficial, and, I believe, are generally so regarded. Women are at least as much interested in their children as men, and in the home circle are brought more into contact with them and into closer personal relations. This same interest by women increases with the growth of the child, and through all his school days he is jealously guarded by the mother or sister. The man is absent from home more than the woman, and she does far more to form in the child those habits which go with him through life than any man can. It is idle to say that men can take better care of the children than women; there are many more women than men engaged in teaching in the State, and it is eminently proper that women should be permitted to be voters at school meetings and to hold school offices.

I believe this to be a step in the right direction. The law called forth much criticism, but I believe very little that was adverse. Discussion has been had on the question as to what women are entitled to vote and hold offices under this law, which reads as follows:

“No person shall be deemed to be ineligible to serve as any school officer, or to vote at any school meeting, by reason of sex, who has the other qualifications now required by law.”

My own opinion is that the Legislature did not go as far as was its intention, nor as far as I had hoped it would. Prior to the passage of this law there were three distinct classes of voters at school meetings, viz.:

1. Male residents of the district in which the vote is offered, of the age of twenty-one years or upwards, entitled to hold lands in the State who either own or hire real estate in the district liable to taxation for school purposes.

2. Residents of the district who are legal voters at town meetings, and who own personal property exceeding fifty dollars in value, exclusive of such as is exempt from execution, which property must be liable to taxation for school purposes in the district.

3. Residents of the district who are legal voters at town meetings, and who have residing with them a child or children of school age, some one or more of whom shall have attended the school of the district for a period of at least eight weeks within the year preceding the time at which the vote is offered.

When I was asked to interpret the law, a careful perusal brought me to the conclusion that women coming within the terms of the first

subdivision were legal voters at school meetings, and entitled to hold school offices.

But it will be noticed that under the second and third subdivisions, one of the qualifications is that the person offering to vote at school meetings must be entitled to vote at town meetings, and have one of the additional qualifications stated in these two subdivisions. Now, inasmuch as no woman is authorized by law to vote at town meeting, I came to the conclusion that only those women embraced in the first subdivision are legal voters at school meetings, and as such are authorized to hold school offices, because another section of the general school law provides that only legal voters at school meetings are qualified to hold school offices. The correctness of this construction of the law has been questioned. Desiring to be as liberal as possible in the construction of this act, and not claiming to be infallible, I determined not to set aside the proceedings of any school meeting where the result was affected by the votes of those women who under my construction of the act were not entitled to vote, but to hold valid all such proceedings until there should be some judicial construction of the question, or until the Legislature should pass an amendatory act so plain in its terms that there could be no misunderstanding as to what was intended. I have acted in this manner and have held as valid the proceedings of meetings where the result was claimed to have been affected in the manner described.

Aside from the question of voting by women, there has always been difficulty with the law in reference to voters.

For instance, it is the law that the person entitled to vote at town meetings, and who owns personal property exceeding fifty dollars in value, exclusive of such as is exempt from execution *liable* to taxation for school purposes in the district, is a legal voter at school district meetings.

By this provision the evident intention of the Legislature, to limit voting at school meetings to those persons having a pecuniary interest in the school, is largely defeated. From the evidence submitted in the matter of appeals, and from letters received by the Department, I am convinced that much of the illegal voting at school meetings is done by persons claiming qualification under this personal property clause. If the Legislature desires to continue the present restriction of the law, and have the intention of the law carried out, only such persons should be allowed to vote on the personal property qualification as are actually assessed for personal property on the last preceding town assessment roll.

Under this provision it is not necessary that a person should actually

be taxed for fifty dollars, but simply that he be *liable* to be taxed therefor on personal property in order to constitute him a voter.

Again, if it should be held that the true construction would allow women to vote on the ground of having a child or children of school age living with them, who had attended school at least eight weeks during the year preceding, without being a voter at town meetings, in many cases it would happen that husbands would vote on the very same ground, and thus both husband and wife vote for the same reason.

I therefore recommend that the qualifications of legal voters at school meetings be definitely determined by the Legislature, that the same rights be extended to women as to men, and that suffrage at school meetings be made as broad as in the judgment of the Legislature may seem wise.

NORMAL SCHOOLS.

I have, in former reports to the Legislature, expressed very fully my views on the advantages of normal schools in a system of education. That teachers should be thoroughly prepared for their work is evident and generally admitted; that the normal school is an important factor in the preparation of those who are to teach in the public schools there can be no doubt. I recommend that the usual appropriations for the maintenance of the State Normal Schools be made. That they are State and not local institutions I have always believed, and maintained. Objection has sometimes been urged to them that they are local, and the recent action of the local board of the State Normal and Training School at Cortland gives some little weight to this objection, although it is only temporary and in its nature can only be so.

The school commissioners in their reports to me have very generally commended the work of the normal schools, although many of them express regret that a larger number of graduates do not become teachers of common schools. I have no doubt that many more would find their way into the common schools if adequate wages were paid.

Under the provisions of chapter 466, Laws of 1866, the Governor, the Lieutenant-Governor, the Secretary of State, the Comptroller, the State Treasurer, the Attorney-General and the Superintendent of Public Instruction, were constituted a commission to receive proposals in regard to the establishment of normal and training schools for the education and discipline of teachers for the common schools of this State. After defining the duties and powers of the commission, and under what circumstances their powers ceased, the act further provides that "thereupon the Superintendent of Public Instruction shall appoint a local board, con-

sisting of not less than three persons, who shall respectively hold their offices until removed by the concurrent action of the Chancellor of the University and the Superintendent of Public Instruction, and who shall have the immediate supervision and management of such school, subject, however, to his general supervision and to his direction in all things pertaining to the school." * * * "It shall be the duty of such board to make and establish, and from time to time to alter and amend such rules and regulations for the government of such schools under their charge respectively, as they shall deem best, which shall be subject to the approval of the Superintendent of Public Instruction. They shall also severally transmit through him, and subject to his approval, a report to the Legislature on the first day of January in each year, showing the condition of the school under their charge during the year next preceding, and which report shall be in such form, and contain such an account of their acts and doings, as the Superintendent shall direct, including, especially, an account in detail of their receipts and expenditures." * * * "It shall be the duty of the local board, subject to the approval of the Superintendent of Public Instruction, to prescribe the course of study to be pursued in each of said schools. It shall be the duty of the Superintendent of Public Instruction to determine what number of teachers shall be employed in each school, and their wages, whose employment shall also be subject to his approval; to order, in his discretion, that one or more of said schools shall be composed exclusively of males, and one or more of females; to decide upon the number of pupils to be admitted to each of said schools, and to prescribe the time and manner of their selection, but he shall take care in such selection to provide that every part of the State shall have its proportionate representation in such schools, as near as may be, according to population; but if any school commissioner district, or any city, shall not, for any cause, be fully represented in either of said schools, then the Superintendent of Public Instruction may cause the maximum number of such pupils to be supplied from any part of the State, giving preference, however, to those living in the county, city or village where such school is situated." * * *

It is also provided, in chapter 18, Laws of 1869, among other things, that "during such time as any local board shall omit to discharge its duties, the said Superintendent (of Public Instruction) is authorized to discharge the duties of such local boards or any of its officers; and the acts of said Superintendent in the premises shall be as valid and binding as if done by a competent local board or its officers, or with their co-operation."

Section 3, chapter 567, Laws of 1875, among other things, provides as follows :

"He (the Superintendent of Public Instruction) shall also have general supervision over the State normal schools at Brockport, Buffalo, Cortland, Fredonia, Geneseo, Oswego and Potsdam, and over any other State normal schools which may hereafter be established."

I have quoted thus fully from the laws relating to normal schools to show both the spirit and the letter thereof. That it was the intention of the Legislature to make the normal schools State institutions, and not local schools, is evident. It is clear from the law that the Legislature intended to hold the Superintendent of Public Instruction, and not the local boards, responsible for the management of the normal schools ; and because the Superintendent of Public Instruction could not possibly be at all the normal schools all the time, or at the same time, the act gave him the authority to appoint local boards at the various schools to represent him and carry out his policy, as indicated by that part of the act quoted which reads, "who (the local boards) shall have the immediate supervision and management of such school, subject, however, to his (the Superintendent of Public Instruction) general supervision and to his direction in all things pertaining to the school."

The act quoted gives the Superintendent of Public Instruction control over the teachers in the normal schools in two distinct clauses: First, in the general clause which reads, "Who (local boards) shall have the immediate supervision and management of such school, subject, however, to his (Superintendent of Public Instruction) general supervision and to his direction in all things pertaining to the school," and secondly, in the particular clause which is as follows: "It shall be the duty of the Superintendent of Public Instruction to determine what number of teachers shall be employed in each school, and their wages, whose employment shall also be subject to his approval."

It is too plain a proposition to need any argument that the Legislature intended to give, and did give to the Superintendent of Public Instruction the entire discretion and power as to the employment of teachers in these schools, and that a teacher could be employed in a normal school only so long as the Superintendent gave his approval to such employment ; and whenever such approval should be withdrawn, then the engagement of such teacher by the State should terminate.

Exercising a discretion vested in me by the normal school act, and believing that the best interests, not only of the Cortland Normal School, but of all the normal schools and of public education in the State would be subserved by a change in the principalship of that institution, on the 28th day of June, 1880, I requested Dr. James H.

Hoose to tender his resignation as principal of the normal and training school at Cortland, to take effect at the end of the school year; at the same time I notified Norman Chamberlain, Esq., secretary of the local board, that I had made such request.

The local board thereupon adopted a resolution requesting the Superintendent of Public Instruction to inform the board what charges, if any, had been made against Dr. Hoose.

On the 6th day of July I answered in substance that no formal charges against Dr. Hoose had been presented to me; that the request for his resignation was the result of personal observation for several years, and a firmly settled conviction that the best interests of the cause of education, and especially of the normal schools in this State, would be advanced by the retirement of Dr. Hoose from the principalship of the Cortland Normal School. I neither asked nor desired the local board to share the responsibility with me, and with all due respect to the local board I submitted that in my official acts as Superintendent of Public Instruction I was not amenable to it, nor to the members thereof.

To my request for his resignation Dr. Hoose responded at length on the 8th day of July, declining to comply therewith. On July 12th I sent to Dr. Hoose a letter, of which the following is a copy:

STATE OF NEW YORK,
DEPARTMENT OF PUBLIC INSTRUCTION, }
SUPERINTENDENT'S OFFICE, ALBANY, *July 12, 1880.*

Dr. James H. Hoose, Cortland Village, N. Y.:

SIR—Your resignation as Principal of the Normal and Training School at Cortland not having been tendered in accordance with the terms of my request of the 28th ultimo, I have this day notified the local board of the withdrawal of my approval of your employment as principal of said school, thus terminating your connection with said school.

Your obedient servant, .

NEIL GILMOUR,
Superintendent.

My approval of the employment of Dr. Hoose as principal had been given July 5th, 1877.

At the time I wrote to Dr. Hoose I also notified the secretary of the local board of my action in the premises, in the following communication:

STATE OF NEW YORK,
DEPARTMENT OF PUBLIC INSTRUCTION, }
SUPERINTENDENT'S OFFICE, ALBANY, *July 12, 1880.*

Norman Chamberlain, Esq., Secretary, etc., Cortland Village, N. Y.:

SIR—The resignation of Dr. James H. Hoose as principal of the Normal and Training School at Cortland, not having been tendered

as requested in my communication of the 28th ultimo, I hereby withdraw my approval of his employment in said school, and direct that he be no longer employed therein, and that the local board at their earliest convenience recommend some competent person as principal in his place. I inclose copy of an opinion which I have this day received from the Attorney-General in answer to a communication which I addressed to him on the 10th inst., and referred to in the Attorney-General's letter, which I submit for the information of the board.

Your obedient servant,

NEIL GILMOUR,
Superintendent.

The following is the opinion of the Attorney-General referred to in the foregoing letter written to the secretary of the local board, which opinion was given in answer to a communication sent by me to that officer:

STATE OF NEW YORK,
OFFICE OF THE ATTORNEY-GENERAL, }
ALBANY, July 12, 1880.

Hon. Neil Gilmour, Superintendent Public Instruction:

DEAR SIR—Your communication of the 10th inst. is at hand, in which you call attention to chapter 466, Laws of 1866, entitled "An act in regard to Normal Schools," and request an opinion as to whether under the provisions of said act you, as Superintendent of Public Instruction, have the power to withdraw your approval of the employment of any teacher in the normal schools, and thus terminate the engagement between the teacher and the State.

Upon examination of the statute referred to, I am very clearly of the opinion that you have the right, whenever in your judgment a proper regard for the good conduct and efficiency of the school requires it, to withdraw your approval of the employment of a teacher and upon such withdrawal any further engagement of such teacher without the approval of the Superintendent would be in contravention of the letter and spirit of the statute. It was the manifest intention of the act of 1866, referred to, to place and keep the normal schools provided for therein under the immediate and constant supervising control and direction of the Superintendent of Public Instruction. A construction which would continue a teacher, whose employment was originally approved by the Superintendent, in the position of teacher for an indefinite number of years, against the dissent of the Superintendent, would frustrate the evident and beneficent objects of the statute.

Very respectfully, yours,

HAMILTON WARD,
Attorney-General.

I had declined to give reasons for requesting the resignation of Dr. Hoose, as principal of the Cortland Normal School, for, had he complied with my request and tendered his resignation, it would have been

unnecessary to have given publicly any reasons whatever. But, when, because he refused to resign, it became necessary to remove Dr. Hoose from the principalship, I addressed to the secretary of the local board the following letter, giving the reasons, for the action which I had taken :

STATE OF NEW YORK,
DEPARTMENT OF PUBLIC INSTRUCTION, }
SUPERINTENDENT'S OFFICE, ALBANY, *July 13, 1880.* }

Norman Chamberlain, Esq., Secretary, etc., Cortland Village, N. Y. :

SIR — Acting in behalf of what I have deemed the best interests of the affairs committed to my oversight and supervision as Superintendent of Public Instruction of this State, I have in a communication addressed to you as Secretary of the local board of the State Normal and Training School at Cortland, under date of the 12th inst., withdrawn my approval of the employment of Dr. James H. Hoose as Principal of that school, thus terminating his connection with it. I have also directed the local board to recommend at their earliest convenience some suitable person to take the place vacated by Dr. Hoose.

This action was not taken by me, as you will recollect, until after Dr. Hoose had been notified that his resignation, if sent in at a day named in the communication of June 28th, and after the close of the school year, would be accepted. He has not seen fit to forward his resignation, although several days have elapsed since the time named for its receipt in the communication above alluded to,—hence the action subsequently taken by me.

In order to relieve the local board from any embarrassment in the matter, I notified them, through you, on the 6th instant, that no formal charges against Dr. Hoose which they would be required to consider, had been preferred, and that I was acting in the matter upon my own responsibility,—a responsibility which I neither asked, desired nor expected the local board to share with me. I further informed them, through you, that I did not consider myself amenable to them for my official acts, and that I did not intend to have them try the case of Dr. Hoose. Inasmuch as the law requires the approval of the Superintendent of Public Instruction to the employment of all the teachers in the State Normal schools, directs him to determine the number to be employed and to fix the wages of each one ; and, inasmuch, also, as the law further directs that the local board of each normal school shall be subject to the general supervision of the Superintendent of Public Instruction, and to his direction in all things pertaining to the school, it seemed to me, especially in view of the fact that a majority of the members of your board were understood to be opposed to requesting, on their own responsibility, Dr. Hoose to resign, it would be better for me to make the request directly, and thereafter, upon my own responsibility, take such action as might seem necessary.

This line of policy I have adhered to. Had Dr. Hoose resigned within the time limited in my communications to him and the local board under date of the 28th ultimo, I would probably have said nothing further about his case ; he would simply have been dropped from the roll of teachers, for reasons which need not necessarily have been

made public. But inasmuch as Dr. Hoose did not see fit to resign, and as I have been compelled to cause his removal; and inasmuch as the local board seem to be desirous of understanding the precise reasons which have led me to sever his connection with the school with which he has been associated for some years, I proceed to name some of them.

In the first place I believe Dr. Hoose to be incompetent for such a position as that which he has held for some years past. He possesses a certain degree of executive ability, but he is not fit to go into the class-room and conduct classes, much less to criticise the work done in the class-rooms. When Prof. Hoose was taken from the Brockport Normal School, where he was an assistant teacher, to be made principal of the normal school in your village, it was with great reluctance, as I am credibly informed, that my predecessor in office, Hon. Abram B. Weaver, was induced to approve of his employment, and this solely because he lacked faith in the proposed appointee. In what I assert respecting Dr. Hoose's incompetency for the position which he has held, I am borne out by a majority of those most prominently connected with normal instruction in this State, by numerous other prominent gentlemen having our educational interests at heart, and by the testimony of competent judges who have watched his work, as well as some who have worked and studied under him. I may also remark in this connection that the annual reports which Dr. Hoose has submitted to this Department have been loose and disjointed in style, frequently almost incoherent or otherwise unintelligible, and that it has always been necessary to correct them in matters of language, grammar and punctuation, before permitting them to go to the printer. I believe Dr. Hoose to be extremely vague and indefinite in expression and illustration, and unhappy both in manner and matter in his talks with, and lectures to those who are to become teachers in our public schools. Neither his language, nor the manner employed by him to enforce ideas upon the minds of pupils is such as ought to be employed in giving instruction in the methods of teaching in our common schools. It is not diluted argument or incomprehensible logic that the students in the normal school need, or are profited by, but rather practical instruction in methods, in the branches in which they in turn are expected to give instruction and in the ordinary and orderly practices of school government and discipline.

Secondly, I do not think Dr. Hoose has been efficient or attentive to his duties as the principal of a normal school should be. There are classes, and even departments, in the Cortland Normal School which I am informed he seldom visits, and other classes that he visits scarcely oftener than once during the course of a year. Indeed, I understand that he has not pretended to supervise the work in the normal department at all. Work in class and school has been left almost entirely to the assistant teachers, with scarcely any supervision or oversight on the part of the principal himself. As illustrative of the supervision and oversight which Dr. Hoose has exercised in the management of the school, I may state that some time ago, when Prof. Wright, one of the then prominent teachers connected with the school, was requested to resign and Dr. Hoose's opinion was asked as to Prof. Wright's competency, he stated that he knew nothing about the mat-

ter except what he had heard from students; that he himself could not answer whether Prof. Wright was efficient or not.

Occupying an elaborate and commodious suite of apartments as his "office," his time, when not employed outside has been largely spent there instead of in the school rooms, and has' been much devoted to work of no immediate, and probably very little remote interest to our system of public education, and certainly very little to either the immediate, or the remote interests of the Cortland Normal School. In the third place, he has been frequently absent from his school during term time, for the ostensible purpose of "lecturing" before educational bodies, procuring situations for graduates from the school, or for lecturing before societies not connected in any way with school interests. It is true that he, in common with other normal school principals, was authorized by me to lecture before teachers' institutes whenever called upon by the commissioners having charge thereof, if at the time of such call he could leave without neglecting his legitimate duties in the school.

These opportunities to lecture have been so frequently sought by correspondence and otherwise, as to lead me to believe that he has been more anxious to appear before outside bodies than to make himself thoroughly acquainted with the methods of instruction being pursued in his own school, and the methods and qualifications of the teachers employed in it. One of the lectures to which I have referred above, delivered not many months ago, was thus characterized by a prominent daily newspaper, published in the city of Utica, the *Utica Herald*, which, in criticising his lecture, delivered in January last, before the Utica Teachers' Association, said: "To say the lecture, if it could be called such, was utterly incoherent, is not enough. It was illogical, inaccurate, and often unintelligible. The speaker is much given to what he calls throwing out thought, assuming apparently that it is always worth something, and will be eagerly seized by an expectant audience. His lecture was a jumble and an excellent commentary on normal schools." Again, I believe Dr. Hoose to be self-sufficient, arrogant in his dealing with those under him, tyrannical in his bearing toward those who do not comply with all his whims and idiosyncrasies. He never has learned the art of blending firmness and moderation, or of tempering one with the other.

It has long been evident to me that cordial relations, such as should exist, could not be maintained between the Cortland Normal School and this Department, as long as Dr. Hoose was principal of the one and I was at the head of the other.

I pass by without notice, and indeed as unworthy of notice, affronts and insults which I have received from the late principal of the normal school in your village; but as head of this Department—a Department which was instrumental in establishing a normal school in your village, which has always faithfully and loyally stood by it and other normal schools of the State, no matter by whom they were attacked—I do remember that for years past Dr. Hoose has been, in season and out of season, the avowed and pronounced enemy of this Department, and that he has labored with all his strength for its abolition. I find no fault with any man for entertaining opinions of his own, or for expressing them with the utmost freedom within the bounds of pro-

prity; but I fail to see wherein it became necessary for a normal school principal, unasked by his local board, or by the Department which had commissioned him as a teacher, to obtrude his personal opinions upon educational bodies or the Legislature, in an endeavor to strike down the hands that had upheld him and the institution of which he was the local head. It is desirable, yes, it is necessary, I believe, to the welfare and success of our public educational institutions, that a reasonable degree of harmony should exist between them and the Department in which the State has lodged general supervisory powers. That proper degree of harmony, good feeling, and mutual confidence, as you will readily observe by what I have written above, cannot exist between the Cortland Normal School and this Department, until some other person shall have been selected for principal of the school. It has been alleged that I hold a personal grudge against Dr. Hoose because he is said to have been opposed to my re-election as Superintendent of Public Instruction, and that I have endeavored to take "revenge" upon him on account of such opposition. That is not so. Indeed, the best refutation of the charge is to be found in the remarks addressed to those present at the recent alumni dinner by Dr. Hoose himself, when speaking of the request for his resignation, that day received, he remarked that he had been expecting such action for the last three years.

Dr. Hoose's alleged opposition to my re-election has had nothing whatever to do with his retirement. I postponed action for months, not knowing but that some other person might be elected in my place to whom I should have transferred the responsibility of dealing with Dr. Hoose.

I again, after re-election, postponed action until the close of the school year, in order that the affairs of the school might not be thrown into disorder. I acted at last only when action seemed to me absolutely necessary. Having been re-elected Superintendent of Public Instruction for another term of three years, it is my desire to co-operate most heartily with those in charge of our State normal and training schools, to have the best understanding with them, and to do whatever lies in my power to forward their interests, believing, as I have frequently stated in my official reports to the Legislature, that these schools are valuable auxiliaries in our general work of public instruction. It would be neither right nor fair for the local board of any school, even if such board had the legal power, to request me to co-operate with a man in whose capacity as a teacher in, or manager of an important educational institution I have no confidence whatever. I cannot think that the local board of the Cortland Normal School, after having carefully considered this matter, will ask me to place myself in any such position.

These are the main reasons for my action. I have passed over many local complaints in reference to the indifference of Dr. Hoose to local interests in Cortland, and have taken no notice whatever of some other matters to which my attention has been drawn, and which, had I not determined that the Doctor's connection with the school must be severed, I might have found it necessary to investigate. Neither have I alluded in this communication to the fact that there are great differences of opinion as to the value of the services of Dr. Hoose in the

local board of which you are the honored secretary, in the faculty of the school, and among the people of your village. These are matters of which I assume the members of the board must themselves be cognizant. Trusting that I have sufficiently explained the reasons for the action which I have taken, I remain,

Your obedient servant,

NEIL GILMOUR,
Superintendent.

The local board thereafter, and on the 16th day of July, at a meeting duly held, adopted the following resolution by a majority vote:

“Resolved, That this board do not concur with the Superintendent of Public Instruction in the removal of Dr. J. H. Hoose, as principal of the normal school.”

I received from Col. James C. Carmichael and Mr. James S. Squires, two members of the local board, minority reports warmly approving of my action in withdrawing my approval of the employment of Dr. Hoose as principal of the school, and stating, in substance, that the interests of the school demanded that his connection therewith should cease.

The local board having neglected and refused to recommend some other person as principal of the school in place of Dr. Hoose, as directed by me in my communication of July 12 to the secretary of the local board, I, exercising a power vested in me by chapter 18, Laws of 1869, referred to above, appointed and employed Prof. James M. Cassety, vice-principal of the Fredonia Normal School, as acting principal of the Cortland Normal School, and directed him to proceed to Cortland and assume his duties as such acting principal, and communicated the fact of such appointment to Prof. Cassety, and to the local board of the Cortland Normal School, in the following letters:

STATE OF NEW YORK,
DEPARTMENT OF PUBLIC INSTRUCTION,
SUPERINTENDENT'S OFFICE, ALBANY, August 4, 1880. }

Prof. J. M. Cassety, Fredonia, N.Y.:

SIR—The local board of the State Normal and Training School at Cortland having neglected their duty under the law, by refusing to recommend some suitable person as principal of the school, in place of Dr. James H. Hoose, whose connection with the school has been severed by the withdrawal of my approval of his employment, I have this day, exercising the authority vested in me under the provisions of chapter 18, Laws of 1869, appointed you acting principal of said school, at a salary of \$2,500 per annum, this appointment to remain in force during the pleasure of the Superintendent of Public Instruction. You will assume your duties as principal of the school at once, and at such time as you may deem necessary make a demand upon the local board, or upon the late principal, for such books, papers and doc-

uments, as have been, or should be, in the possession of the principal of the school. Should your demand for such books, papers and documents be refused, you will notify me of the fact at once. I have this day notified each member of the faculty of your appointment as acting principal, and directed them to obey all your lawful instructions as such principal.

Your obedient servant,

NEIL GILMOUR,

Superintendent.

STATE OF NEW YORK,
DEPARTMENT OF PUBLIC INSTRUCTION,
SUPERINTENDENT'S OFFICE, ALBANY, *August 4, 1880.* }

Norman Chamberlain, Esq., Secretary, etc., Cortland Village, N. Y.:

SIR—Your communication of the fifteenth ultimo, in which you state that the local board of the State Normal and Training School at Cortland decline to comply with my instructions, given under date of the twelfth ultimo, to recommend some competent person for principal of the school in place of Dr. James H. Hoose, was duly received. Inasmuch as I have withdrawn my approval of the employment of Dr. Hoose, thus, in my own judgment, and in the opinion of the Attorney-General, severing his connection with the school, it became the plain duty of the board to recommend some person to fill the vacancy.

I beg to call attention to the provisions of chapter 18, Laws of 1869, and to the opinion of the Attorney-General thereon, a copy of which opinion is inclosed herewith.

In pursuance of the authority vested in me by the provisions of the act above cited, I have appointed Prof. J. M. Cassey, of Fredonia, acting principal of the State Normal and Training School at Cortland, and have fixed his salary at the rate of \$2,500 per annum; this appointment to remain in force during the pleasure of the Superintendent of Public Instruction. I have notified Prof. J. M. Cassey, and the members of the faculty of the Cortland Normal School of this appointment.

Your obedient servant,

NEIL GILMOUR,

Superintendent.

The following is the opinion of the Attorney-General, referred to in the foregoing letter to the secretary of the local board, which opinion was given in answer to a communication sent by me to that officer:

STATE OF NEW YORK,
OFFICE OF THE ATTORNEY-GENERAL, }

ALBANY, *July 30, 1880.*

Hon. Neil Gilmour, Superintendent Public Instruction:

SIR—Your communication of the 23d instant, in which you ask whether, under the facts therein stated and the law applicable to the case, you have the authority to act in place of the local board and to appoint a principal for the State Normal and Training School at Cort-

land, without further consultation with, or reference to the local board of said school, is received.

That you had full power and authority to withdraw your approval of the employment of the late principal of that school I have no doubt, and upon that question I would respectfully refer you to my communication of the 12th inst. addressed to you; and that the office of principal of said school is vacant, you having withdrawn your approval of the appointment, I am equally clear in my opinion.

The office of principal of said school being vacant, it is clearly the duty of the local board to recommend the employment of some suitable and proper person for the position, said employment to be subject to your approval in accordance with the provisions of chapter 466 of the Laws of 1866.

The local board has not only omitted to comply with your request and discharge its duty by making this recommendation, but, by their communication of the 15th inst., addressed to you, absolutely refuse to discharge the duty imposed by statute.

The local board having thus omitted and refused to discharge its duties in this respect, I am of the opinion that in pursuance of the powers conferred upon the Superintendent of Public Instruction by chapter 18, Laws of 1869, you have full power and authority to discharge the duty of the local board in this matter, and make the appointment of a principal for said school without any further consultation with, or reference to said board.

It is clearly the intention of the statutes that the normal schools of this State should be under the direct supervision and direction of the Superintendent of Public Instruction, and that the local boards thereof should in all things act in accordance with his directions and subject to his approval; and in a case like this, where a local board not only omits to discharge an important duty but absolutely refuses to comply with a direction of the Superintendent of Public Instruction, and assume to act independently of, and in defiance to his direction or approval, I am of the opinion that the Superintendent not only has the authority, but that it becomes his duty to act in place of, and without reference to such local board.

Yours, respectfully,

HAMILTON WARD,

Attorney-General.

At the same time I sent to each member of the faculty, viz.: Prof. T. B. Stowell, Prof. F. S. Capen, Prof. J. M. Milne, Prof. S. J. Sornberger, and Misses Martha Roe, M. F. Hendrick, C. E. Booth, Elizabeth Rase, E. E. Cole and Sarah A. Saunders, and Mrs. L. T. Corlew and Mrs. E. P. Halbert, a letter of which the following is a copy:

STATE OF NEW YORK,
DEPARTMENT OF PUBLIC INSTRUCTION, }
SUPERINTENDENT'S OFFICE, ALBANY, August 4, 1880. }

To —————, Cortland Village, N. Y.:

The local board of the State Normal and Training School at Cortland having refused, as directed by me, to recommend any person as

principal of the school in place of Dr. James H. Hoose, whose connection with the school has been severed by the withdrawal of my approval of his employment, I have this day, in pursuance of the authority vested in me by chapter 18, Laws of 1869, appointed Prof. James M. Cassety, acting principal of said school. You will report to him as principal at the proper time and obey such lawful instructions as he may give you.

Your obedient servant,

NEIL GILMOUR,

Superintendent.

Prof. Cassety, in pursuance of my directions, proceeded to Cortland, and on or about the seventh day of August, 1880, called upon the local board and presented to them his letter of appointment as acting principal, and requested the board to permit him to assume his duties as such principal at the opening of the school at the beginning of the fall term, to commence on or about September 1st, 1880.

The local board declined to permit him to assume his duties as such principal, and at a meeting of the board, passed the following preamble and resolution:

WHEREAS, The Superintendent of Public Instruction in his letter of August 4th, 1880, has notified this board that he has appointed Prof. J. M. Cassety, of Fredonia, acting principal of the Cortland Normal School, and

WHEREAS, Dr. James H. Hoose was heretofore duly appointed principal of the school by the local board with the concurrence of the Superintendent of Public Instruction, to hold his place during the pleasure of the local board and said Superintendent, and

WHEREAS, Dr. Hoose has never resigned his position, nor been removed therefrom, and is now filling the position of principal; therefore,

Resolved, That this board does not concur with the Superintendent in his attempted removal of Dr. Hoose, and respectfully declines to recognize Prof. J. M. Cassety as acting principal of this school for the reasons set forth in the above preamble."

I afterwards addressed to Prof. Cassety the following letter:

STATE OF NEW YORK,
DEPARTMENT OF PUBLIC INSTRUCTION, }
SUPERINTENDENT'S OFFICE, ALBANY, Aug. 23, 1880.

Prof. J. M. CASSETY:

DEAR SIR— You will proceed at once to Cortland village and enter upon the discharge of your duties as acting principal of the State Normal and Training School at that place. Should you be unable, owing to the hostility of the local board, or from any other cause, to obtain access to the building, or possession of such books, papers and documents as should be in the hands of the principal, you will establish a temporary office at some convenient place in the village, and cause public notice of the location of such office to be given. See at

once as many members of the faculty as possible, explain the situation to them fully and cause it to be distinctly understood that my approval of the employment of any teacher who resists lawful authority and refuses to report to you will be promptly withdrawn.

Present yourself at the school at the time of opening, show or explain your appointment, and thereafter govern your conduct by your own judgment, reporting to me at once all facts of importance.

Your obedient servant,

NEIL GILMOUR,

Superintendent.

Thereafter and on or about the first day of September, on the day of the opening of the fall term of the normal school, Prof. James M. Cassety was in attendance at the school building of the normal school in Cortland, ready and willing to assume and enter upon the duties of such acting principal teacher of the school, and tendered his services as such to the local board. The local board, who were then in possession of the school building, refused to recognize him as such teacher and prevented him from assuming and entering upon his duties as such acting principal of the school. But the local board recognized Dr. Hoose as principal of the school and permitted him to enter upon the duties of that position.

In answer to a telegram sent to me by Prof. Cassety, I sent the following:

ALBANY, Aug. 31 1880.

Prof. J. M. CASSETY, *Acting Principal, Cortland, N. Y.:*

If you are not permitted to act as principal, direct all teachers to withdraw until further instructions. I will cause the removal of every teacher who reports to any body but you as principal, or who acts under any other person as principal. Send me the names.

NEIL GILMOUR,

Superintendent.

Prof. Cassety sent to me the following report of the proceedings had at the time of the opening of the school:

STATE NORMAL SCHOOL,
ACTING PRINCIPAL'S OFFICE, 13 MESSENGER HOUSE, }
CORTLAND, Sept. 1, 1880.

HON. NEIL GILMOUR, *Superintendent of Public Instruction, Albany, N. Y.:*

SIR—In obedience to the directions contained in your letter of instructions to me, dated August 23, 1880, I proceeded at once to Cortland Village for the purpose of entering upon my duties as acting principal of the Cortland Normal School.

Upon my arrival in Cortland, finding myself not recognized as act-

ing principal by the local board and being denied access to the principal's office in the school building, I at once established a temporary office in the Messenger House and caused public notice of the location of the same to be given. In the office I have contrived to transact business pertaining to the principal's duties until the present time.

I obtained interviews with as many members of the faculty as possible and explained to them all the information I possessed relating to the present difficulties in the Cortland Normal School, which I thought would be of service to them in enabling them to determine what their duty is in the premises.

At the opening of the school, Sept. 1, 1880, I presented myself at the school building and met the local board assembled in the principal's office. The halls and offices were filled with students and people who were walking about. Dr. Hoose was present in one of the office rooms. Printed notices, a copy of which I inclose herewith, were distributed among the students by Profs. Stowell and Sornberger.

At a quarter to 9 o'clock, Dr. F. Hyde, president of the local board, announced that the school was about to open under the direction of Dr. Hoose as principal. I immediately arose, and addressing the president of the local board, stated that I had been sent by the Superintendent of Public Instruction to open the school as its acting principal, and I held an appointment from the said Superintendent, and that I desired a hearing. I also asked that the chapel should be opened as a more suitable place for the assemblage. The president declined to allow the chapel to be opened, but gave me permission to address the assemblage in the halls and offices. The faculty were at once notified by me that I had a communication to make and arranged themselves in hearing distance.

I then explained my purpose and read my letters of appointment and instructions from the Superintendent of Public Instruction. After the reading was finished, demand was made by me upon the local board for all books, papers and documents that should be in the hands of the principal. The local board through its president declined to accede to this demand.

To my demand that I should be allowed to perform my duties as acting principal refusal was also given. I then asked the direct question, "Am I to be obstructed in the performance of my duties by the local board?" and the president of the board replied, "We will allow you to perform no duties in the school."

Finding it impossible to obtain any recognition as acting principal from the local board, and not being able to obtain the books, papers, and documents belonging to the principal, and finding myself denied access to the most important room in the building, I, in accordance with the instructions contained in your telegram of Aug. 31, directed all teachers to withdraw from the building.

This order was obeyed by the following teachers: Frank S. Capen, James M. Milne, Martha Roe, Mary F. Hendrick, Clara E. Booth and Lottie T. Corlew.

The following teachers did not obey this order, and as I am informed, reported to Dr. Hoose and remained: Thomas B. Stowell, Samuel J. Sornberger, Emily P. Halbert, Elizabeth Rase, Emily E. Cole. and Sarah A. Saunders.

I excused the teachers who withdrew with me and asked them to be in readiness for further instructions.

To-day demand was made upon me by a resolution of the local board for all recommendations which are in my hands for appointment of students to the Cortland Normal School. I refused to deliver such recommendations to the local board. A copy of the resolution and my reply are inclosed herewith.

In conclusion, I beg to say, that I believe that I have made every reasonable effort, under my instructions, to enter upon my duties as acting principal. I now await your further instructions.

Yours, respectfully,

JAMES M. CASSETY,

Acting Principal, Cortland Normal School.

The following are the documents referred to by Prof. Cassety in his report:

At a meeting of the local board of the Cortland Normal and Training School, held at the parlor of said school, the following resolution was adopted:

Resolved, That the president and secretary of this board be a committee to wait upon Prof. J. M. Cassety of the Fredonia Normal School, and ascertain if any certificates are in his hands entitling the parties named in such certificates to admission as pupils in this school, and to request him to deliver the same to this board.

NORMAN CHAMBERLAIN,

Secretary.

STATE NORMAL SCHOOL,
ACTING PRINCIPAL'S OFFICE,
CORTLAND, Sept. 1, 1880. }

NORMAN CHAMBERLAIN, Esq., *Secretary*:

DEAR SIR — I hereby acknowledge the receipt of a copy of a resolution by the local board of the Cortland Normal and Training School asking if any certificates are in my hands, etc.

In reply to the resolution I will state that I do hold several certificates of that kind, but I decline to deliver them to the local board.

Very respectfully,

JAMES M. CASSETY,

Acting Principal.

On the 2d day of September, 1880, I sent to each member of the faculty who had refused to obey the instructions of the Department, and who refused to obey the lawful orders of Prof. James M. Cassety, the acting principal, a letter of which the following is a copy:

STATE OF NEW YORK,
DEPARTMENT OF PUBLIC INSTRUCTION,
SUPERINTENDENT'S OFFICE, ALBANY, Sept. 2, 1880. }

....., *Cortland Village, N. Y.*

I hereby withdraw my approval of your employment as a teacher

in the State Normal and Training School at Cortland; this order of withdrawal to take effect immediately.

Your obedient servant,

NEIL GILMOUR,

Superintendent.

On the same day I sent to Norman Chamberlain, secretary of the local board, the following letter.

STATE OF NEW YORK,
DEPARTMENT OF PUBLIC INSTRUCTION,
SUPERINTENDENT'S OFFICE, ALBANY, *Sept. 2, 1880.* }

NORMAN CHAMBERLAIN, Esq., *Secretary, etc.*, Cortland Village, N. Y.

SIR—I hereby withdraw my approval of the employment of the following named teachers in the Cortland Normal and Training School: Thomas B. Stowell, Samuel J. Sornberger, Emily T. Halbert, Elizabeth Rase, Emily E. Cole and Sarah A. Saunders.

The local board are hereby directed to recommend to me at their earliest convenience and without unnecessary delay some suitable persons to take the places of the teachers displaced as above stated; under no circumstances will the local board recognize any of the persons above named as teachers in the Cortland Normal School after the date of this order.

Your obedient servant,

NEIL GILMOUR,

Superintendent.

In order to protect the rights of students who had been attending the school, I took measures to have them transferred (if they chose) to such other of the normal schools as they might select. I therefore sent to the principal of each of the other normal schools, viz.: Dr. Joseph Alden, Albany; Dr. W. J. Milne, Geneseo; Prof. F. B. Palmer, Fredonia; Dr. M. MacVicar, Potsdam; Prof. E. A. Sheldon, Oswego; Prof. C. D. McLean, Brockport; Prof. H. B. Buckham, Buffalo, a letter of which the following is a copy:

STATE OF NEW YORK,
DEPARTMENT OF PUBLIC INSTRUCTION,
SUPERINTENDENT'S OFFICE, ALBANY, *September 3, 1880.* }

Prof. _____, *Principal, etc.*, _____, N. Y.:

SIR—The State Normal and Training School at Cortland is temporarily disorganized, and certain pupils in the normal department are making application for transfers to other schools. It is my wish that the young people who have in good faith entered the Cortland school should be permitted to complete the courses of study upon which they have entered. You will, therefore, receive into the school under your charge any pupil from Cortland who presents my certificate of transfer. No pupil from that school should be admitted who does not present the regular evidence of transfer. Classify such pupils according

to your own judgment, giving them, as a matter of course, every advantage to which they are entitled by reason of previous study in the Cortland school.

Your obedient servant,

NEIL GILMOUR,

Superintendent.

All the appointments of pupils to the Normal and Training School at Cortland, since the withdrawal of my approval of the employment of Dr. Hoose as principal, are in the possession of Prof. Cassety, acting principal of the school.

Inasmuch as the local board of the Cortland Normal School had assumed an attitude of insubordination against the duly constituted State authorities, including the Superintendent of Public Instruction and the Attorney-general, and inasmuch as their contumacy rendered it impossible to conduct the Normal School in a legal manner owing to their refusal to recognize the duly and lawfully appointed principal of the school, and being desirous that the State should not suffer by, or become responsible in any way for a school conducted illegally and contrary to the law, and acting under the advice of the Attorney-General, I issued, on the 7th day of September, an order formally closing the Normal and Training School at Cortland "until such time as the lawful orders and directions of the Department of Public Instruction, in reference to the management of said school, are obeyed by the local board of said school and until said school shall be reorganized and opened in conformity to the laws of the State relating to normal schools."

The following is a copy of the order referred to, and also a copy of the opinion of the Attorney-General, in reference to the legal power of the Superintendent of Public Instruction to issue the order :

ORDER.

STATE OF NEW YORK, }
DEPARTMENT OF PUBLIC INSTRUCTION. }

Whereas, On the 28th day of June, 1880, I, as Superintendent of Public Instruction, requested Dr. James H. Hoose to transmit to me his resignation as principal of the State Normal and Training School at Cortland, which request the said Hoose refused to comply with; and *whereas*, on the 12th day of July, 1880, I, as such Superintendent, withdrew my approval of the employment of said Hoose as a teacher in said school, notified the local board of the fact, and directed them to recommend to me some suitable person as principal in place of the said Dr. Hoose; and *whereas*, the local board at a meeting thereafter held did adopt a resolution refusing to recommend any person as principal in the place of the said Hoose, and stating that they still recognized, and should continue to recognize, the said Hoose as principal of the school, notwithstanding my orders in the matter, and the official

opinion of the Attorney-General sustaining the legality of such orders; and whereas, I, as such Superintendent, did, on the 4th day of August, 1880, acting under the authority conferred upon me by chapter 18 of the Laws of the State of New York, passed in 1869, appoint Prof. J. M. Cassety acting principal of said school, and did notify the local board of the fact, and did further instruct them to cause to be delivered to Prof. Cassety all books, papers and documents that should be in the possession of the principal of the school, and to give him at all times access to the school building and grounds; and whereas, the local board have refused, and still do refuse, to obey these instructions and refuse to recognize Prof. Cassety as acting principal of the school; and whereas, the said local board still recognize the said Hoose as principal of said school, and have put him in possession of the school building, and caused him to open the said school; and whereas, the local board continue to recognize as teachers in said school the following named persons from whose employment as teachers I, as such Superintendent, have withdrawn my approval, viz.: Thomas B. Stowell, Samuel J. Sornberger, Emily P. Halbert, Elizabeth Rase, Emily E. Cole, Sarah A. Saunders; and whereas, the local board have, without the approval of the Superintendent and in violation of the provisions of chapter 466 of the Laws of 1866, entitled, "An act in relation to Normal Schools," assumed the authority to employ teachers in the places of those teachers who have, pursuant to my orders, reported to Prof. Cassety; and whereas, the local board of said school have thus set at defiance the duly constituted State authorities, and have refused to be governed by the lawful directions of the Superintendent of Public Instruction in their management of the school, and have caused said school to become partially disorganized, and a portion of the faculty to become insubordinate; now, therefore, by virtue of the authority vested in me as Superintendent of Public Instruction, I hereby order and direct that the State Normal and Training School at Cortland be closed until such time as the lawful orders and directions of the Department of Public Instruction, in reference to the management of said school, are obeyed by the local board of said school, and until said school shall be reorganized and opened in conformity to the laws of this State relating to normal schools.

Given under my hand and the seal of the Department of Public
[L. S.] Instruction, at Albany, this 7th day of September
1880.

NEIL GILMOUR,
Superintendent of Public Instruction.

STATE OF NEW YORK,
OFFICE OF THE ATTORNEY-GENERAL, }
ALBANY, September 6, 1880.

Hon. NEIL GILMOUR, *Superintendent Public Instruction:*

SIR— Your communication of the 4th inst., in which you state the facts concerning your action and that of the local board in regard to the State Normal and Training School at Cortland, is received. In reply to your question, "have I the power, under the provisions of chapter 466, of the Laws of 1866, to direct the formal closing of the

school?" I have the honor to say, that, in my opinion, the full and complete right of supervision over said school is conferred upon you by said statute, and would respectfully refer to my opinion given at your request July 12, 1880, and that since the refusal of the local board to perform the duties imposed upon it by law, you have full power to act without reference to said local board, and upon this point would refer you to my opinion of July 30, 1880; and that, by virtue of the powers conferred upon you by said statutes, you have a perfect right to close said school until the same can be reorganized and conducted in accordance with the statutes regulating normal schools, provided in your judgment such action is necessary.

Yours, respectfully,

HAMILTON WARD,

Attorney-General

The local board, notwithstanding the order issued to close the school, continued, and do still continue, as I am informed and believe, to keep the school open and are conducting it as a private institution. There is no legally employed State teacher at present actually teaching in the school. The approval required by law of the employment of James H. Hoose, and the six teachers who remained with him has been withdrawn by the Superintendent of Public Instruction, thus in my own judgment and in the opinion of the Attorney-General, terminating the engagement between them and the State. The other six teachers, who reported to Prof. Cassety, are waiting and are anxious to commence work as soon as possible, and are, and have been legally in the employ of the State.

The local board without any warrant whatever have employed, as I am informed and believe, six teachers without the approval of the Superintendent of Public Instruction, purporting to fill the places of those six teachers.

Prof. Cassety remained at Cortland for one month, trying to assume the duties of principal, but the local board thwarted him in his purpose and illegally prevented him from discharging his duties.

Seeing that it was useless to ask Prof. Cassety to remain at Cortland longer at that time, I assigned him to duty temporarily in the Fredonia Normal School, on the 30th day of September, 1880, by the following letter:

STATE OF NEW YORK,
DEPARTMENT OF PUBLIC INSTRUCTION,
SUPERINTENDENT'S OFFICE, ALBANY, *Sept. 30, 1880.* }

Prof. J. M. CASSETY, *Act. Prin., Cortland Village, N. Y.:*

SIR—In the opinion of the Attorney-General, it will be several weeks before you can be put in possession of the Cortland Normal School and be permitted to act as principal. I still recognize you

(and will continue to do so) as principal of this school. In the meantime neither the Attorney-General nor I see that any thing can be gained by remaining longer in Cortland at present. You will, therefore, go to Fredonia and resume your old work there (the place not yet having been filled), and hold yourself in readiness to report at Cortland whenever asked. Please notify the teachers who reported to you of this arrangement, giving them such instructions as you may deem necessary.

Your obedient servant,

NEIL GILMOUR,

Superintendent.

The management of Prof. Cassety during his stay at Cortland under the trying circumstances in which he was placed was such as to merit the hearty approval of this Department, to call forth encomiums from those who sympathized with the efforts of the Department to maintain a good school, and to challenge the admiration even of those who were opposed to his assuming the duties of acting principal. He is an excellent teacher and disciplinarian, has proved himself the firm friend of normal schools, and when he assumes the duties of principal of the Cortland Normal School he will show himself to be a good executive officer.

A proposition to submit the case under an agreed statement to the General Term of the Supreme Court was made by the local board, and accepted by me. But when an examination of the law was made, it was found that this case could not be so submitted; the Attorney-General, in behalf of the Superintendent, and Hon. R. Holland Duell, in behalf of the local board, agreeing that such submission could not be made.

It was then understood that the local board should proceed against the Superintendent for one month's pay for Dr. Hoose, and in this manner have the case brought before the court for adjudication. But the local board failed to take such action. Afterward the Attorney-General, as attorney for the Superintendent of Public Instruction, commenced proceedings for a peremptory writ of mandamus before Judge Martin, at a Special Term of the Supreme Court, held at Binghamton, on the 26th day of October, 1880, to compel the local board to terminate the employment of James H. Hoose as principal teacher in the State Normal School at Cortland, and no longer procure or permit him to perform the duties or to in anywise act in the school as the principal or other teacher therein; and to officially recognize Prof. James M. Cassety as the principal teacher in said school, and permit him without hindrance or obstruction to enter upon, and perform the duties of principal teacher in the school.

An opinion in the case has recently been rendered by Mr. Justice Martin, in which the action of the Superintendent of Public Instruc-

tion was sustained in every particular. The following is a copy of the opinion of the court :

" In the Matter of the Application of Neil Gilmour, as Superintendent of Public Instruction of the State of New York, for a mandamus,

agst.

The Local Board of the State Normal School at Cortland.

One of the normal and training schools for the education and discipline of teachers for the common schools of this State, established under the Laws of 1866, chapter 466, was duly located at the village of Cortland, New York, and on the 16th day of December, 1868, the Superintendent of Public Instruction duly appointed a local board for said school, as required by section 3 of said act.

The board thus appointed was duly organized, and after such organization and before any teacher was employed for such school, wrote to the then Superintendent of Public Instruction, inquiring of him how such teachers were to be employed, to which he replied as follows: "All persons employed and paid by the State to teach in the several departments of the normal school at Cortland should be employed in the usual manner, on the recommendation of the local board, subject to the confirmation of the Superintendent at fixed rates of salary." Thereafter and at a meeting of such board held February 19, 1869, they resolved to employ, among others, Dr. James H. Hoose, as a teacher in said school, at a salary of twenty-five hundred dollars a year, subject to the approval of the Superintendent of Public Instruction; and the action of the board in selecting Dr. Hoose as such teacher was approved and confirmed by the Superintendent on the 23d of the same month.

This employment of Dr. Hoose was for no given or specified period of time.

The school was opened on the 3d day of March, 1869, with Dr. Hoose as principal, who continued to act as such without any other hiring or employment, until the year 1877, when the present Superintendent requested the board to re-nominate to him all who were proposed as teachers for the year commencing in September, 1877, whereupon they informed the Superintendent, that they had no desire to make any change in the faculty of such school, and forwarded to him a statement of the teachers then employed, and the salary paid each, when the Superintendent confirmed and approved of the employment of said teachers, to take effect at the beginning of the fall term in 1877, and to continue during the pleasure of the local board and the Superintendent of Public Instruction; but no teacher to be discharged or compelled to resign except with the approval of the Superintendent.

After this, Dr. Hoose continued to act as principal until June 28th, 1880, when the Superintendent requested him to resign, and communicated to the local board the fact that he had made such request,

The local board thereupon passed a resolution, requesting the Superintendent to inform them if any charges had been made against Dr. Hoose, and if so, what they were, before they should take any action upon the communication sent them by him, to which the Superintendent replied that no formal charges against Dr. Hoose had been presented to him, that his request for Dr. Hoose's resignation was in a large measure the result of personal observation extending over a series of years, and a firmly settled conviction that the best interests of the cause of education, and especially of the normal schools in the State would be advanced by the retirement of Dr. Hoose from the principalship of the school.

On the 8th day of July, 1880, Dr. Hoose wrote the Superintendent, declining to resign as requested, and on the 12th day of the same month, the Superintendent wrote Dr. Hoose that, as he had not tendered his resignation as requested, he had notified the local board of the withdrawal of his approval of his employment as principal of such school, and on the same day he wrote the board that he withdrew his approval of the employment of Dr. Hoose and directed that he be no longer employed in such school, and that the board at its earliest convenience recommend some competent person as principal in his place, inclosing with such communication a copy of the opinion of the Attorney-General of the State, to the effect that the Superintendent had the power to withdraw his approval of the employment of a teacher in such school, and thus terminate the engagement between the teacher and the State.

On the 16th day of July, 1880, the board passed a resolution by which they resolved not to concur in the removal of Dr. Hoose, and notified the Superintendent of their action, and also declined to recommend any other person for the position of principal.

The Superintendent thereupon, and on the 4th day of August, 1880, employed Prof. J. M. Cassety as acting principal for such school during his pleasure, and notified the board of his action, who refused to recognize Prof. Cassety as such principal and denied the power of the Superintendent to terminate the employment of Dr. Hoose.

Afterwards and on the 23d day of August, 1880, Prof. Cassety went to Cortland to take charge of the school as such principal.

On the 24th of the same month, the board sent a communication to Dr. Hoose commanding him to continue his duties as principal, and directing him to notify each member of the faculty to report to him for duty for the next term, and to explain to them that no salaries could be lawfully paid to teachers, except first audited by the board and that teachers would be paid their salaries, provided they reported to him for duty; and, if any teachers should refuse, other teachers would be immediately appointed.

At the opening of the next term of the school, Prof. Cassety appeared to take charge of the school as principal, and Dr. Hoose also appeared and assumed to act as such, under the direction of the local board, and he, together with the board, refused to allow Prof. Cassety to act as principal, or to have charge of the school as such, and the school has since been under the charge and control of Dr. Hoose and the local board, contrary to the directions of the Superintendent.

Upon these facts the Superintendent of Public Instruction now ap-

plies for a mandamus to compel the local board to terminate the employment of Dr. Hoose, and to no longer permit him to act as principal in such school, and to recognize Prof. Cassety as principal thereof.

Hamilton Ward, Attorney-General, for the application.

Kellogg & Gilbert, for the local board, opposed.

MARTIN, J. In examining the questions involved in this unfortunate controversy, it is not within the province of this court to inquire or determine whether the motives which controlled the action of the Superintendent in this matter were proper or improper, nor whether his action has been judicious or otherwise. The question to be here determined is one of power, not of motive, and one of law and not of fact.

It is claimed by the Superintendent that the power to employ the teachers of this school is wholly subject to his direction, that when a teacher is employed for an indefinite time he has the right to discharge him at his will, or at least, that, when he withdraws his approval of an employment, the teacher's relation with such school is thereby terminated: while the local board claim, that they only can employ them; that the Superintendent's only power is to approve or disapprove of such employment or hiring, and that, when a teacher is once hired by them and such hiring is approved by the Superintendent, his power over the matter is spent, and that they only can determine whether such teacher's employment shall be continued or terminated, that they have the appointing power and that they only can remove.

Thus we are presented at the outset with the question, as to what power the Legislature has vested in the local board and what in the Superintendent; and this question depends for its solution wholly upon the statute under which this school was established, and the local board thereof appointed. Laws 1866, chap. 466.

But it is contended by the board, that there has been such a practical construction of this statute by the officers whose duty it was to carry it into effect, as to be binding upon the court in determining the questions involved in this case, that such construction has been to the effect that the board had an independent or, at least, a concurrent power to employ the teachers of such school, subject only to the approval of the Superintendent; and that they only had the power of removal. While it is doubtless true, that "general usage long continued and unquestioned among public officers, in matters pertaining to the discharge of their duties, is of great force, and the practical construction thus given to the law has much of the weight of judicial decision" (55 N. Y. 310), yet I am unable to discover from the facts before me in this case, that there has been any such practical construction of this statute. Upon the argument it was strongly contended by the counsel for the board that the letter of the Superintendent written to the board January 19, 1869, was a decision by him, in effect holding that it was the duty of the board to employ the teachers of such school subject only to confirmation by the Superintendent, and that it recognized in them an independent or concurrent power to employ such teachers, and consequently the sole right of removal. I do not

so understand it. It at most simply recognizes a right in the board to recommend the teachers to be employed by the Superintendent which, in itself, seems to preclude the idea of an independent right to employ the teachers of such school. Nor do I find any thing in the subsequent action of the Superintendent or board, showing any such practical construction of this statute as to render it binding, or give it the weight of judicial decision. While the papers before me show that the teachers of this school have generally, and perhaps uniformly, been recommended by the board and confirmed by the Superintendent, still that fact is, I think, insufficient to constitute such a practical construction of this statute. These papers simply show that the action of the board and Superintendent has heretofore been harmonious, and that no question has arisen between them as to the rights or powers of either. It might as well be contended that, by practical construction, the board had the power to determine the wages to be paid the teachers, because the Superintendent had, in several instances, increased the wages of a teacher on the recommendation of the board, or because he stated in his letter to the board that they were to be employed at fixed rates of salary, although that right is vested absolutely in the Superintendent. This cannot be, and it must, therefore, be held that there has been no practical construction of this statute which is binding upon, or authority for the court in determining this case.

It is also contended by the board that the principal of the Cortland Normal and Training School is an officer of the State, and as such entitled to hold his office during the pleasure of the authority appointing him. (1 R. S. Banks' ed. 415, sec. 8.) While I am unable to see how the rule would be different in the case of such an officer and an employé for an indefinite time, still I am clearly of the opinion that such principal is not an officer but an employé of the State. "An office is a right to exercise a public function or employment and take the fees and emoluments belonging to it. It involves the idea of tenure, duration, fees or emoluments and powers as well as that of duty. It implies an authority to exercise some portion of the sovereign power of the State either in making, administering or executing the laws. One who receives no certificate of appointment, takes no oath of office, has no term or tenure of office, discharges no duties and exercises no powers depending directly on the authority of law, but simply performs such duties as are required of him by the persons employing him, and whose responsibility is limited by them, is not an officer and does not hold an office, although the persons so employing him are public officers, and his employment is in, and about a public work or business." *Olmstead vs. Mayor, etc., of N. Y.*, 10 Jones and S. 481. See also the case of *Union County vs. Jones*, 21 Pa. 525, where it was held that a professor in a college was not an officer of the college corporation, but a person in its employment; and *Butler vs. Board of Regents*, 32 Wis. 124, holding that a professor in a State university was not a public officer.

Coming then to the principal question involved in this controversy, we first inquire what powers are by this statute given to the Superintendent of Public Instruction. Does it vest in him the right to terminate the relation of a teacher as an employé of the State without the consent or concurrence of the local board?

It must, I think, be admitted that he possesses this right under the power of general supervision and direction given him by statute, unless the Legislature has conferred upon the local board an independent or concurrent right to act in the employment and discharge of such teachers, uncontrolled by the direction of the Superintendent. Are they given such power?

They are given no express power to employ or discharge the teachers of such school, unless contained in that clause of the statute which provides that they "shall have the immediate supervision and management of such school" (Sec. 3). This provision necessarily, I think, includes the authority to employ and discharge teachers, and if it were unqualified, they would, I think, possess the power which is now contended for by them. But such is not the case. The power of "supervision and management" which is thus conferred upon the board is not only made expressly subject to the "general supervision" of the Superintendent, which involves the right to oversee with the power of direction, but the Legislature, as if intending to place the question of the Superintendent's power beyond all doubt, has provided that such "supervision and management" shall also be "subject to his *direction* in all things pertaining to the school." Therefore the power thus given the board is, obviously, not an independent nor even a concurrent one, but is a subordinate power to be exercised in subjection to the direction of the Superintendent, whose power of direction is thus made absolute. The employment and discharge of teachers being a matter which clearly pertains to the school, it must I think, be held that this provision of the statute has conferred upon the board no independent or concurrent power to employ or discharge the teachers of such school.

It is, however, contended by the board that a further provision of this statute by implication vests in them the power which they now claim to possess, which provision is that "it shall be the duty of the Superintendent of Public Instruction to determine what number of teachers shall be employed in such school, and their wages, *whose employment shall also be subject to his approval.*" It will be seen that this provision does not in terms designate the person or body by whom such teachers are to be employed, yet, I think, it is to be fairly implied from the language used, that they are to be employed by some person or body other than the Superintendent, and I think, as is claimed by the board, that they are to employ them. The authority, however, for such employment is not wholly an implied one, but is rather an express authority conferred upon them by the provision giving them the "immediate supervision and management" of the school, which, as we have already seen, includes such employment. If this last provision of the statute was to be read and construed alone, it might be that it would bear the construction contended for by the board, but that is not the rule. All the provisions of this statute bearing upon this question should be read together. "In the construction of a statute, every part of it must be viewed in connection with the whole, so as to make all of its parts harmonize, if practicable, and give a sensible and intelligent effect to each." Potter's Dwarries, 144. Reading these two provisions of the statute together, and interpreting the statute according to the natural and obvious im-

port of the language employed; without resorting to a subtle or forced construction for the purpose of limiting or extending its operations, it seems quite obvious, I think, that the Legislature intended to vest in the Superintendent the absolute power of direction as to all matters pertaining to this school, and that any implied power which is given to the board by this last provision of the statute is subject to, and qualified by such power of supervision and direction, and is not independent or concurrent. Such a construction of this statute gives to the words used by the Legislature their popular and generally received import, makes all of its provisions harmonize, and leaves no doubt or uncertainty as to the powers conferred upon the board, or as to the rights of the Superintendent; while the construction contended for by the board creates an ambiguity in the statute where none would otherwise exist, makes the power of the board and Superintendent uncertain, and gives to the board by construction what the statute has expressly vested in the Superintendent. The language of this statute seems to me to be explicit, placing in the Superintendent the absolute power of supervision and direction as to this matter, and in such cases courts are bound to seek for the intention of the law-making power in the words used, and are not at liberty to suppose or hold that it intended any thing different from what the language imports. Potter's Dwaris 146.

Moreover if it were to be admitted that the board had the right to employ the teachers independent of the direction of the Superintendent, still, as such employment is expressly made subject to his approval, I am of the opinion, that when his approval is withdrawn the relation of the teacher is terminated. For I do not think that the Legislature intended to use the word "employment" as defining or describing the simple act of hiring; but that it intended to use it in its broader sense as describing or defining the state or condition of being employed, and that the approval of the Superintendent was not only necessary to constitute a proper hiring of a teacher, but it was also necessary that it should continue, that such employment was always subject to the disapproval of the Superintendent, and when disapproved of by him, the relation of the teacher as employé of the State was terminated.

I am of the opinion, therefore, that, while the board had the immediate right to employ the teachers of this school, still that such right was subject to the power of the Superintendent to direct in relation to their employment or dismissal, and to his approval; that when he directed the board to discharge a teacher thus employed, withdrew his approval of such employment, it became the duty of the board to follow his directions and that the relation of such a teacher would be terminated by such withdrawal.

If this were not so, the Superintendent would be practically powerless to control or direct in the matters pertaining to such school. A teacher once employed and approved would be wholly under the independent control and direction of the local board, and the Superintendent, although vested with absolute power of determining the number of the teachers to be employed, could in no way reduce the number, even though there might be but a half score of pupils attending it; for if he is not given the power to discharge a teacher in the one instance, I fail to see how he is in the other.

Such is not the intent or spirit of this statute. Not only is this apparent from a reading of the statute itself, but the Legislature, by the general act defining the duties of the Superintendent of Public Instruction, has provided that he shall have general supervision over this school (Laws 1875, chapter 567, § 3), which supervision, I think, involves the right to direct as to the employment and discharge of its teachers.

In examining this case thus far, it has been assumed that the employment of Dr. Hoose was for an indefinite time, but by the approval of Dr. Hoose's employment dated July 5, 1877, it was provided that it should "continue in force during the pleasure of the local board and the Superintendent of Public Instruction, but no teacher to be discharged or compelled to resign, except with the approval of the Superintendent." Under such an employment can the Superintendent discharge a teacher without the consent or concurrence of the local board? I think he can. By the terms of this employment it was to continue during the pleasure of the local board *and* Superintendent, and but for the restriction preventing a discharge by the board without the approval of the Superintendent, I think that either, under the terms of this employment, could terminate such employment; and as the power of the Superintendent is in no way restricted, I think that he had the power to terminate such employment. Whether it was wise or unwise for the Legislature to confer this power upon the Superintendent is not for this court to determine. Its duty is simply to administer the laws as they are enacted, and if there is an error in the law, the Legislature, and not the courts should provide the remedy.

It follows, therefore, that the Superintendent possessed the power to terminate the employment of Dr. Hoose, without the consent or concurrence of the board; that when he withdrew his approval of his employment and directed that he be no longer employed, that it terminated his employment as such teacher, and the board had no right to allow him to continue to act as such; the Superintendent having thus terminated the employment of Dr. Hoose, and directed the board to recommend some other competent person as principal, which they omitted and refused to do, he had authority, under chapter 18 of the Laws of 1869, to appoint a person to act as such principal, and it, therefore, became the duty of the board to allow Prof. Cassety to so act.

The application of the Superintendent for a mandamus to compel the board to prevent Dr. Hoose from acting as a teacher in said school, and to recognize Prof. Cassety as the acting principal thereof, must be granted.

In determining this case, I have not examined the question whether mandamus is the proper remedy, for the reason that upon the argument the counsel for the board stated that he did not want the case determined upon that question, but that the board wanted it determined upon the merits, regarding that as a waiver of any question as to the regularity of the proceedings.

I have examined the case upon its merits with all the care possible consistent with my other official duties.

Application granted. The order, if not agreed upon, to be settled before me on three days' notice to the opposite party."

During this lengthy and unpleasant controversy in reference to the management of the normal school at Cortland, I have taken no step that did not commend itself to my judgment as being in the interests of the State, and for the benefit of the system of normal instruction inaugurated by the Legislature. I have exercised no powers in regard to the retirement of teachers or the closing of the school on account of the insubordination of a majority of the members of the local board, except when acting under the advice of the Attorney-General. I have endeavored, simply, to uphold the dignity of the State, to rid the school of incompetent or insubordinate teachers, and, generally, to do that which seemed most likely to promote the usefulness and efficiency of the institutions for which the State has made most liberal appropriations.

It seems to me plain that if the officer, charged by law with the general supervision, management and control of the State normal schools, is to be made the mere coadjutor of local boards of trustees, with no power to act except upon their recommendation; and if he is to be compelled to retain in position principals, and other teachers whom he believes to be incompetent, or who openly and willfully defy his instructions, simply because the local prejudices of a majority of a local board demand it, the schools should hereafter be denominated "local" and not "State" normal schools. While ready and willing to execute the law as interpreted by the courts, or as it may be amended by legislative enactment, I respectfully suggest that it would be better to relieve the Department of Public Instruction of all responsibility for the management and result of the work of the normal schools, if it is to be hampered and set at defiance, as it has been by the local board of the school at Cortland, especially in view of the fact that all the expenses of these schools are paid by the Superintendent of Public Instruction, under the authority of the Legislature.

On the 11th day of June, 1877, I issued an order abolishing the academic departments in the normal schools located at Buffalo, Brockport, Cortland, Geneseo, Oswego and Potsdam, for the reason that I could find no warrant of law for allowing such departments to exist. At the same time I limited the sittings in the practice departments to two hundred and fifty. Soon thereafter I received from the local boards at Brockport and Potsdam evidence that they had equities entitling them to academic departments. I thereupon suspended the operation of the order so far as these two schools were concerned, until the time when the Legislature would give instructions in reference to this matter. A special committee was appointed to examine into the normal schools; among other things, this committee reported to the Legislature recommending that the order of June 11th be revoked, and the Legislature adopted the following resolution:

“Resolved, That the Superintendent of Public Instruction be, and he is hereby requested to revoke his order of June 11, 1877, discontinuing the academic departments in said normal schools.”

I accordingly issued an order stating, “In pursuance of said resolution the order referred to is hereby revoked.”

During the past year complaint was made to me that the citizens of Cortland village were not receiving all the school rights to which they were entitled under the provisions of a certain deed. After a careful examination of the deed referred to, I sent to Norman Chamberlain, Esq., secretary of the local board, the following letter :

ALBANY, July 24, 1880.

NORMAN CHAMBERLAIN, Esq., *Secretary, etc., Cortland Village, N.Y.:*

SIR — My attention has this day been called to the provisions of the deed conveying the old Cortlandville academy and site to the State for normal school purposes. Among the provisions are the following : First. “An academic department shall be maintained and supplied with proper teachers in said normal school building by the proper State authority.”

Second. “Tuition shall be given free and without charge to all the children and wards of the inhabitants residing within the bounds of the corporation of Cortland village in all the departments of said school.”

Had my attention been called to these provisions at the proper time, I would not have included the Cortland Normal School in my order of June 11th, 1877, discontinuing academic departments in the several State Normal Schools, and limiting the sittings in the practicing departments of such schools to two hundred and fifty ; or, if, after that order had been issued, the provisions of the deed had been made known to me, I would have suspended the operations of the order so far as your school was concerned, the same as I did in the cases of the schools at Brockport and Potsdam. The local board of the Cortland Normal School will, in the future, in the matter of maintaining an academic department, and of admitting pupils to all the departments of the school, be governed by the provisions of the deed above quoted.

Your obedient servant,

NEIL GILMOUR,

Superintendent.

Dr. Malcolm MacVicar resigned the principalship of the Potsdam Normal and Training school on the 9th day of November, 1880. Prof. Henry L. Harter, vice-principal, is at present acting as principal and will continue to do so until an appointment shall be made to fill the vacancy.

Under existing laws money received for tuition in the several normal schools is retained by the local boards thereof, and can be paid out for any of the legitimate purposes of the school, with the ap-

proval of the Superintendent of Public Instruction. The practice is to pay such money to the treasurer of the local board, and for that officer to deposit it in some bank or banking institution, subject to call drafts. Heretofore the moneys so deposited have been promptly paid over, upon order, but last year the banker, with whom the local funds of the Geneseo Normal School were deposited, failed, and a loss of \$176.08 ensued. I do not think the treasurer or other members of the local board are blamable in the matter.

THE CONDITION OF OUR SYSTEM OF EDUCATION.

The following are the principal educational forces at work in this State:

The common schools ; private and parochial schools ; graded schools ; high schools and academies ; teachers' institutes and teachers' classes in academies ; normal schools ; schools for professional and technical instruction, and colleges. In some families the children are instructed at home, either under tutors, or by their parents or other near relatives, and it not infrequently happens that the quality of the instruction thus imparted is superior to that ordinarily gained in the schools. Still, it is obvious that this plan of educating children can be carried out in but a small proportion of the families in our State, and that it can never be relied upon as a factor of great consequence in the work of education. Nevertheless, I believe that if parents and others having the care of children would more generally supplement the work of the school by familiar conversation upon school topics, great good would be accomplished.

The private and parochial schools, the academies, professional schools (except those for the training of teachers) and the colleges, do not report directly to this Department, and it is only through other channels that the Department has knowledge of their workings, and of what they are accomplishing. The common and public high schools, the teachers' institutes and normal schools are under the direct supervision of the Department of Public Instruction, as are also the institutions for the special instruction of the deaf and dumb, and one of the two institutions for the instruction of the blind. Practically, the common school system proper embraces a very great proportion of all that is forcible and practical in the matter of the education of the children and youth of the State.

In July last I addressed a circular to school commissioners, of which the following is a copy :

STATE OF NEW YORK,
DEPARTMENT OF PUBLIC INSTRUCTION, }
ALBANY, July 20, 1880.

To School Commissioners :

Heretofore you have been requested by the Department of Public

Instruction to send, in connection with your abstracts of trustees' reports, or as soon thereafter as you could, without too much trouble, prepare them, written reports of the condition of the public schools under your charge, for publication in connection with my annual report to the Legislature. It is my purpose to make to the next Legislature a very full and complete report of the condition of public education in this State, and to submit the same as early as possible after the opening of the session. I therefore no longer request, but direct that each one of you shall make and send to this Department, as early as your abstracts are filed, a written report, which shall show, among other things, the following:

I. The work you have accomplished during the past year as school commissioner in your district. How many schools you have visited, and a general report of the impressions which you have received as consequences of those visitations. The number of teachers you have licensed; the methods which you have pursued in examining and licensing teachers, and suggestions as to improvements which may be made in methods now pursued. I will thank you, also, to make such suggestions as may occur to you concerning the operations of the school laws of the State, especially in the matter of the apportionment of the public moneys, the alteration of school district boundaries, the settlement of local and neighborhood difficulties arising in school districts out of school affairs, and the methods of the employment of teachers.

II. I especially request and direct that you shall report generally the condition of the public schools under your charge, and the condition of public education as gathered by you from the official visitations which you have made. Let me know what, in your judgment, has been the effect of the institute or institutes held in your county; what is the public sentiment concerning them; how the normal schools are regarded, and whether or not, in your judgment, they are accomplishing the work designed by the Legislature when they were established.

III. Do not confine your observations entirely to the public schools; if there are in your district academies or private schools, look into them as much as you can, and inform me what manner of work they are accomplishing.

IV. I send you this circular at an early day in order that you may be fully prepared to make such reports as I shall expect and hereby demand from each one of you. It has been alleged that the office of school commissioner ought to be abolished, and that our system of school supervision, especially so far as the rural districts are concerned, is very imperfect. It is my desire to show to the Legislature that the school commissioners are ready and willing to perform all duties with which the law has charged them; that they are intelligent men, capable of making intelligent reports. I expect each one of you to comply strictly with the terms of this order, and to submit reports at the time designated in this circular.

Your obedient servant,

NEIL GILMOUR,

Superintendent of Public Instruction.

At the same time I requested city superintendents of schools to make written, in connection with their statistical and financial reports, embracing such information concerning the workings of the schools under their supervision, and such suggestions concerning the general school laws of the State, and the local laws, so far as applicable to them respectively, as they might deem proper.

In response to these instructions and requests I have received reports from nearly all the school commissioners and city superintendents of schools in the State, and they will be printed in the appendix accompanying this report. They have evidently been prepared with much care, and I call your especial attention to them as documents not only of great local interest, but also as papers containing many valuable hints and suggestions concerning the workings of our public school system. In no other year since the organization of this Department have commissioners and superintendents reported so fully or so favorably.

An examination of these reports will show that the schools have been more generally visited and supervised during the past than in any preceding year, and that great good has resulted from these visitations. Teachers, knowing that the commissioner would come, but not, generally, knowing at what particular time his visit would be made, have been spurred to extra exertions, and have endeavored to have their classes well in hand. They have profited by the hints and suggestions of the commissioners, who have themselves, apparently, taken more than usual interest in the work intrusted to them, under the altogether justifiable conviction that the Legislature and the Department were disposed to scrutinize their work with more than ordinary care. With comparatively few exceptions the schools have been visited twice, and many of them three or more times. But there are, in the State, some commissioner districts so large, embracing so much territory and so many school districts, that it is impossible for the commissioner having jurisdiction to visit the schools under his charge even twice in each year, giving the proper time to his work. I call particular attention to the size of some of the largest commissioner districts in several of the counties of the State, and suggest that it would be well to increase the number of commissioners in such counties.

Great improvements have been made by the commissioners in their methods of examining teachers. An examination in writing is now usually made the basis, but is quite generally supplemented by an oral examination. Many of the commissioners recommend that examinations should be made uniform throughout the State,—the questions to be prepared by the Department of Public Instruction, the examinations to be held at stated times, and to be conducted by the commis-

sioners of the several counties, assisted by certain other persons to be designated in a manner to be prescribed by law. The suggestion seems to be a good one, and I commend it to the consideration of the Legislature.

The law in relation to the apportionment of the public school monies does not seem to give entire satisfaction, and many commissioners think that that portion which is now divided according to average daily attendance should be distributed upon some other basis, or that the apportionment for average attendance should be made only for the legal term of school, which is now twenty-eight weeks in each year. Under the present law those districts, which only strictly comply with the law, and have but twenty-eight weeks of school during the year, have a decided financial advantage over districts which extend their school terms beyond the time absolutely required by the statute. I think a change can be made in the law in the interests of justice and equity.

The laws in relation to the establishment and alteration of the boundaries of school districts, and the settlement of school difficulties arising in neighborhoods and districts, appear, in the main, to work satisfactorily, and no change in them is recommended.

A general belief seems to prevail among those charged with the duty of supervising our school interests, that the present method of employing teachers, so far as the common schools proper are concerned, is very unsatisfactory, and productive of results most undesirable. A complaint comes up from nearly all the commissioners that a fruitful source of evil results in our school system is the frequent change of teachers. Scarcely does a teacher become acquainted with the school, learn something of the habits and dispositions of the pupils under his care, and really, if a competent person, get ready to do efficient work, when the term closes, a new trustee is very likely elected, and caprice, self-interest or other unjustifiable motive leads to the employment of another teacher who must go over the same grounds, make the same study of character and disposition, only, in most cases, to arrive at the same conclusions, and to meet at the end of the term the fate of his predecessor. There are honorable exceptions to this method of employing and discharging teachers, but not nearly as many as I would wish to note. The remedy against this very apparent abuse of power on the part of trustees of school districts is suggested to lie in the appointment of town boards of education, to which alone should be given the authority to employ teachers for the several districts in their respective towns. I believe that the services of a better class of teachers would be obtained if the law should be amended as suggested, and that their employment would be more permanent.

It seems that the academies and many of the private schools have been successfully conducted during the year, and the teachers' classes instructed in the former have been productive of results which can not fail to have a beneficial effect upon our school system.

Of normal schools and teachers' institutes I have written elsewhere, and the commissioners have spoken of them fully and freely in their reports herewith submitted. I will here only reiterate the opinion elsewhere expressed that they are growing in usefulness and in favor, and that the institute, especially, has come to be looked upon as a training school popular, yet reasonably thorough in its methods, and worth to the State and the school system far more than it costs.

The school system of New York has grown up with, and is a part of the State. When the first Federal census was taken, in the year 1790, the population of the State was ascertained to be about 340,000, and several States led us in population, wealth, and influence. We had then no organized system of public education, but the foundations for one were laid very shortly thereafter; and from humble beginnings during the administration of Governor GEORGE CLINTON, has grown up the most extended, as, in many respects, I believe the best system of popular education in the country. For now, while we rank all States of the Union in population, wealth, resources and influence; while we embrace within our borders not only the commercial and financial metropolis of the nation, but also other and almost innumerable thriving cities and villages, and millions of acres of well cultivated lands, as fertile as can be found anywhere on the North American continent, we can further point with pride to the fact that we are annually educating nearly a million and a quarter of children, and causing them to be prepared for the duties and responsibilities of life, prominent among which are those of good citizenship and devotion to the cause of liberty and justice. The school system of New York is flexible, as it needs to be. It countenances, assists and strives to improve the humblest schools in out-of-the-way places, as well as those in the cities and villages, which are well graded, thoroughly classified, and supplied with all necessary appliances; for it is the theory of our plan that even an indifferent school is preferable to none.

Of course it is the desire and aim of those intrusted with the duty of supervising the schools to improve and make more useful even the humblest among them. I feel greatly encouraged by the reports of progress in this direction already made, and even though it seems, at times, as if progress was being made slowly, I still have faith in the general wisdom of our plan of popular education, and in the utility of the results which it is accomplishing.

NEIL GILMOUR,
Superintendent of Public Instruction.

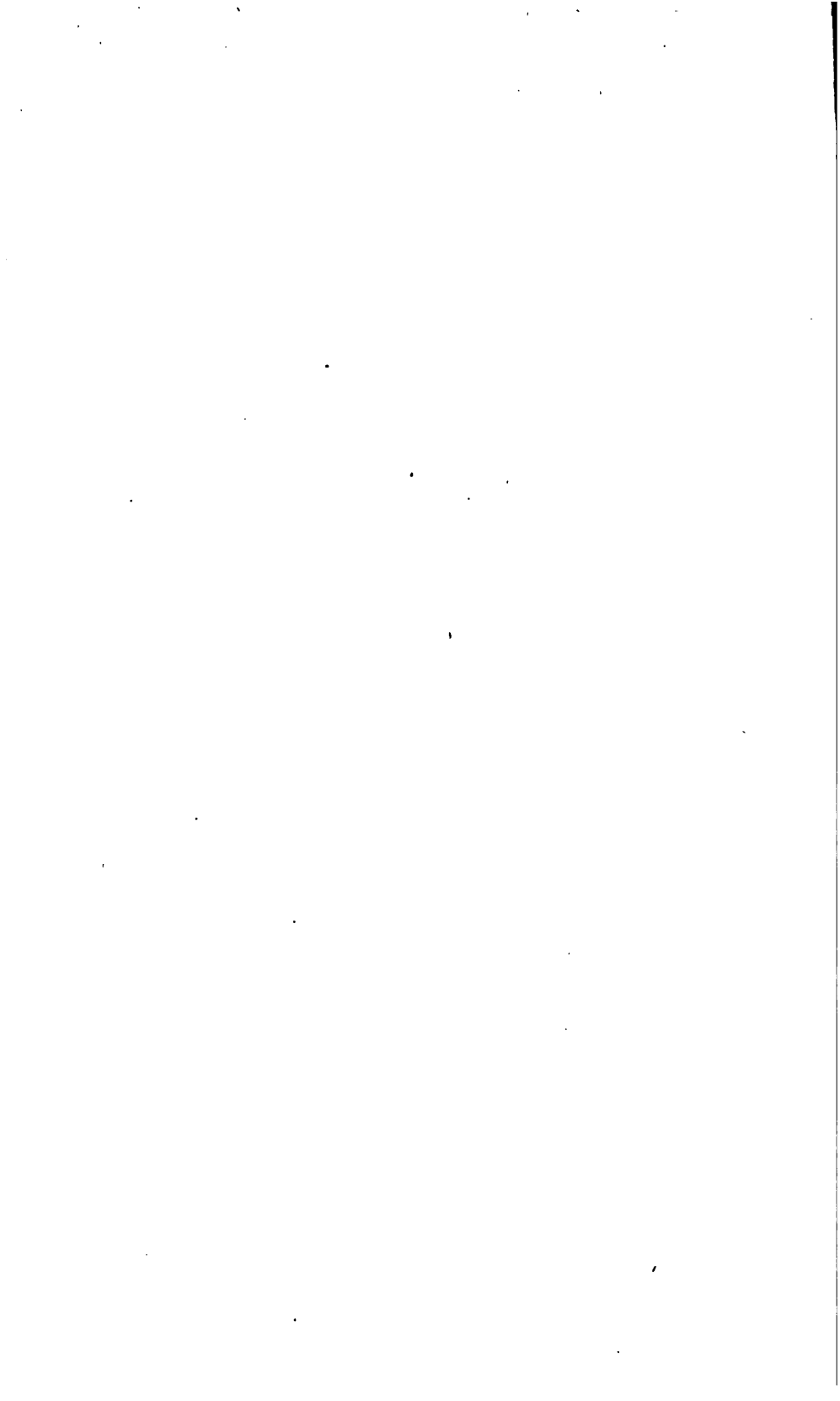
DOCUMENTS

ACCOMPANYING THE

REPORT

OF THE

SUPERINTENDENT OF PUBLIC INSTRUCTION.



LIST OF DOCUMENTS

ACCOMPANYING THE

TWENTY-SEVENTH ANNUAL REPORT

OF THE

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Table No.	1. Statement of State tax levied in 1875 and in 1880.
	2. Statement of school tax paid and school moneys received by each county.
	3. Apportionment of school moneys.
	4. Abstract of statistical reports of School Commissioners.
	5. Abstract of financial reports of School Commissioners.
	6. Investment of the capital of the School Fund.
	7. Comparative statistical and financial statements for the years 1875 and 1880.
	8. Statistics of Teachers' Institutes.
	9. Statistics of Normal Schools.
Document	A. Report of the Council of the Nautical School, New York city.
	B. Reports of examining committees for State certificates.
	C. Report of the Principal of the Institution for the Instruction of the Deaf and Dumb.
	D. Report of the Principal of the New York Institution for the Improved Instruction of Deaf Mutes.
	E. Report of the Principal of the Central New York Institution for Deaf-Mutes.
	F. Report of the Principal of the Western New York Institution for Deaf-Mutes.
	G. Report of the Principal of the St. Joseph's New York Institute for the Improved Instruction of Deaf-Mutes.
	H. Report of the Principal of the New York Institution for the Blind.
	I. Report of the Superintendent of the Allegany and Cattaraugus Indian Reservations.
	J. Report of the Superintendent of the Onondaga Indian Reservation.
	K. Report of the Superintendent of the Shinnecock and Poospatuck Indian Reservations.
	L. Report of the Superintendent of the Tonawanda Indian Reservation.
	M. Report of the Superintendent of the Tuscarora Indian Reservation.
	N. Annual Report of the Normal School at Albany.
	O. Annual Report of the Normal School at Brockport.
	P. Annual Report of the Normal School at Buffalo.
	Q. Annual Report of the Normal School at Cortland.
	R. Annual Report of the Normal School at Fredonia.
	S. Annual Report of the Normal School at Geneseo.
	T. Annual Report of the Normal School at Oswego.
	U. Annual Report of the Normal School at Potsdam.
	V. Normal School circular.
	W. List of School Commissioners.
	X. Reports of School Commissioners.

TABLE No. 1.

STATEMENT of the State Tax of one and one-fourth mills, levied in 1875, and of the State Tax of one and eighty-five one-thousandth mills, levied in 1880, for the support of Common Schools.

COUNTIES.	1875.		1880.	
	Valuation.	Amount of tax.	Valuation.	Amount of tax.
Albany	\$54,636,234	\$68,295 29	\$68,426,226	\$74,242 46
Allegany	9,511,099	11,887 76	11,198,467	12,150 34
Broome	10,567,800	13,209 88	13,215,252	14,339 63
Cattaraugus	19,199,817	12,749 77	12,975,319	14,073 22
Cayuga	20,772,208	25,965 28	24,394,261	26,467 77
Chautauqua	18,532,112	23,165 14	21,161,746	22,980 49
Chemung	10,538,677	13,167 10	12,300,923	14,431 50
Chenango	13,274,437	16,593 05	15,559,994	16,882 59
Clinton	6,956,450	8,695 56	8,364,005	9,074 95
Columbia	23,896,936	29,796 04	27,370,654	29,697 16
Cortland	7,014,364	8,767 94	8,794,109	9,541 61
Delaware	9,705,049	12,131 81	11,186,391	12,136 15
Dutchess	25,888,108	44,880 13	41,001,927	44,457 09
Erie	61,834,512	77,393 14	81,575,132	88,509 02
Essex	6,568,163	8,210 20	8,757,905	9,502 00
Franklin	5,829,815	7,233 52	6,622,482	7,185 39
Fulton	4,070,541	5,095 68	5,828,706	6,281 65
Genesee	14,829,493	18,536 87	17,420,051	18,900 76
Greene	6,771,129	8,463 91	9,041,671	9,810 10
Hamilton	610,187	762 75	785,909	852 39
Herkimer	11,905,207	14,881 51	14,793,546	16,051 00
Jefferson	17,518,436	21,896 05	21,572,531	23,406 20
Kings	217,867,435	272,894 26	231,999,141	273,419 07
Lewis	4,624,742	5,780 83	7,082,156	8,336 14
Livingston	15,238,146	19,047 64	17,817,282	19,331 75
Madison	11,592,189	14,490 24	15,306,265	17,149 80
Monroe	42,107,964	52,634 95	51,864,590	60,613 06
Montgomery	10,760,890	13,451 11	14,924,913	16,193 58
New York	1,205,531,580	1,504,914 48	1,219,249,285	1,322,998 97
Niagara	16,076,703	20,095 88	19,977,971	21,676 10
Oneida	83,665,579	42,081 97	43,273,956	46,954 41
Onondaga	26,770,451	44,963 06	48,017,191	52,086 65
Ontario	19,361,602	24,209 00	22,870,169	24,814 13
Orange	31,939,453	39,820 57	36,322,989	39,410 42
Orleans	11,253,641	14,069 55	13,074,770	14,186 30
Oswego	16,773,627	20,967 03	20,194,671	21,911 54
Otsego	13,896,043	17,331 30	17,116,150	18,571 02
Putnam	5,963,232	7,450 54	6,802,806	7,381 15
Queens	32,320,796	40,401 00	38,248,084	41,694 66
Rensselaer	81,515,833	39,394 79	41,458,721	44,982 71
Richmond	9,161,560	11,439 49	10,066,475	10,900 43
Rockland	10,598,851	13,248 56	11,047,534	11,966 57
St. Lawrence	16,044,343	20,055 43	20,434,323	22,171 24
Saratoga	14,480,006	18,037 62	18,414,028	19,979 22
Schenectady	6,501,649	8,127 06	8,680,351	9,418 18
Schoharie	5,944,824	7,431 03	8,219,427	8,918 08
Schuyler	4,575,161	5,718 95	5,801,590	6,294 73
Seneca	10,586,912	13,293 64	12,306,460	13,332 51
Steuben	14,928,161	18,660 20	17,838,244	19,354 49
Suffolk	12,642,474	15,803 09	14,548,253	15,784 85
Sullivan	3,238,977	4,048 72	4,504,256	4,887 12
Tioga	7,075,484	8,844 38	9,425,174	10,226 31
Tompkins	9,316,916	11,640 24	11,643,904	12,633 64
Ulster	15,532,069	19,415 09	18,139,386	19,681 23
Warren	3,208,040	4,010 05	4,653,859	5,049 44
Washington	15,080,420	18,850 53	19,748,596	21,427 23
Wayne	16,706,515	20,893 14	20,650,025	22,405 25
Westchester	66,167,089	70,208 86	64,801,782	72,479 18
Wyoming	9,099,807	11,337 26	10,535,138	11,430 62
Yates	8,382,403	10,478 01	10,784,440	11,701 12
Total	\$2,867,780,102	\$2,959,725 13	\$2,637,869,238	\$2,862,068 12

TABLE No. 2.

STATEMENT showing the amount of School Tax paid by each County, the amount of Tax received back, the amount of Common School Fund received, and the total amount received by each County.

COUNTIES.	School tax paid.	School tax received.	Common school fund received.	Total received.
Albany	\$74,242 46	\$77,663 24	\$8,028 06	\$85,691 30
Allegany	12,150 34	20,222 45	2,081 83	31,303 73
Broome	14,339 63	32,078 90	3,109 58	35,186 48
Cattaraugus.....	14,078 22	33,424 89	2,378 38	35,803 27
Chayuga	26,467 77	39,186 74	3,662 66	42,849 40
Chautauqua.....	22,900 49	43,500 35	3,928 18	47,428 53
Chemung	14,431 50	25,767 18	2,639 97	28,457 15
Chemungo.....	16,882 59	29,425 67	2,075 08	31,500 75
CClinton	9,074 95	31,823 21	3,119 96	34,943 17
Columbia	29,697 16	28,268 30	2,092 56	30,360 85
Cortland	9,541 61	17,738 21	1,255 19	18,991 40
Delaware	12,136 15	32,314 70	2,260 30	34,575 00
Dutchess.....	44,487 09	44,067 69	4,064 38	48,152 07
Erie	88,509 02	111,478 92	10,159 66	121,638 58
Essex	9,502 00	23,142 11	1,664 91	24,807 02
Franklin	7,185 39	21,459 26	1,531 81	22,941 07
Fulton	5,781 65	18,758 05	2,173 17	20,931 22
Genesee	18,900 76	19,572 04	1,441 06	21,013 12
Greene	9,810 10	20,905 70	1,519 59	22,425 29
Hamilton	852 39	2,997 00	205 14	3,202 14
Herkimer.....	16,051 00	27,382 71	2,778 64	30,161 35
Jefferson	23,406 20	45,332 24	4,038 28	49,370 62
Kings	273,419 07	259,868 72	24,296 06	284,164 78
Lewis	8,835 14	21,466 52	1,515 44	22,981 08
Livingston	19,331 75	24,634 18	1,791 81	26,425 99
Madison	17,140 80	23,779 84	2,064 87	26,844 78
Monroe	60,613 08	75,083 23	6,447 34	81,538 57
Montgomery.....	16,193 53	20,395 08	1,518 22	21,913 23
New York	1,322,898 97	540,949 97	52,223 01	568,182 88
Niagara	21,676 10	30,538 73	3,060 11	38,568 54
Oneida	46,954 41	70,142 44	6,751 54	76,894 48
Onondaga	52,096 65	68,513 22	5,844 72	74,357 94
Ontario	24,814 13	30,169 54	2,200 65	32,890 19
Orange	39,410 42	48,056 90	6,032 63	54,059 53
Orleans	14,148 30	19,072 65	1,388 51	20,461 16
Oswego	21,911 54	49,068 34	4,388 78	53,457 10
Otsego	18,571 02	35,140 73	2,500 89	37,641 62
Putnam	7,381 15	9,393 69	695 08	10,088 77
Queens	41,492 66	44,349 66	4,981 91	49,331 77
Rensselaer.....	44,982 71	58,476 49	5,193 00	63,669 49
Richmond.....	10,900 43	17,924 81	1,380 08	19,304 89
Rockland	11,986 57	14,522 05	1,101 06	15,623 11
St. Lawrence.....	22,171 24	58,030 00	4,949 59	62,979 68
Saratoga	19,970 22	34,524 79	3,323 49	37,848 23
Schenectady	9,418 18	13,394 69	1,791 06	15,178 75
Schoharie	8,918 08	22,597 17	1,612 18	24,209 35
Schuyler	6,294 73	12,952 52	927 71	18,890 23
Seneca	13,352 51	16,995 91	2,052 86	19,048 77
Steuben	19,354 49	49,975 98	4,389 28	54,365 26
Suffolk	15,784 85	30,013 11	2,235 67	32,248 73
Sullivan	4,887 12	21,863 32	1,587 35	23,450 67
Tioga	10,226 31	21,198 84	2,327 06	23,525 90
Tompkins.....	12,633 64	21,808 27	2,378 13	24,276 40
Ulster	19,681 23	49,103 43	3,692 34	52,795 77
Warren	5,049 44	15,991 66	1,144 82	17,136 48
Washington	21,427 23	32,283 44	2,320 22	34,553 66
Wayne	22,405 28	31,967 25	2,323 49	34,290 74
Westchester.....	72,479 93	56,388 53	4,263 70	60,652 23
Westmoreland.....	11,430 62	20,921 89	1,499 10	22,420 99
Yates	11,701 12	13,120 81	945 36	14,066 17
Indians .....	.....	3,889 35	.....	3,889 35
Contingent fund balance .....	.....	1,375 87	.....	1,375 87
Total	\$2,862,088 12	\$2,750,000 00	\$245,400 00	\$2,995,400 00

TABLE No. 3.
Apportionment of School Moneys for the year 1881.

COUNTIES. TOWNS AND CITIES.	Population.	Number of teachers em- ployed for 28 weeks or more.	APPORTIONMENT FOR TEACHERS' WAGES.		Libraries.	Supervision.	Total.
			District quotas.	According to population.			
Albany ..	43,629	182	\$8,532 16	\$17,045 42	\$464 25	.....	\$26,941 83
City	86,541	220	10,735 52	35,595 92	920 55	\$1,300 00	48,532 29
Cohoes	17,483	43	2,015 84	7,116 20	186 14	500 00	10,167 18
Allegany	41,681	202	13,684 96	17,144 17	443 51	427 14	31,808 78
Broome	32,422	244	11,438 72	13,355 77	344 90	.....	26,119 48
Binghamton	15,518	58	2,719 04	6,863 84	165 12	800 00	10,067 00
Cattaraugus	47,398	338	15,845 44	19,454 55	583 28	.....	35,893 27
Cayuga	42,793	273	12,751 88	17,508 27	455 26	.....	30,804 89
Auburn	19,649	73	2,953 44	8,081 99	209 08	800 00	12,044 51
Chautauqua	64,781	411	19,267 68	28,055 63	689 32	425 80	47,428 53
Chemung	21,833	127	6,422 58	8,774 60	227 01	800 00	15,424 23
Elmira	20,436	77	3,609 76	8,408 71	217 45	.....	13,032 98
Chenango	30,879	813	14,673 44	16,402 97	494 34	800 00	31,500 75
Clinton	50,283	270	12,038 86	20,669 58	431 71	.....	34,943 17
Columbia	38,827	196	9,238 24	15,874 33	413 26	800 00	25,689 88
Hudson	8,784	21	884 46	3,613 32	83 47	.....	4,600 97
Cortland	24,434	185	8,672 80	10,969 89	290 21	.....	18,981 40
Delaware	42,064	359	16,829 92	17,267 59	447 49	.....	34,575 00
Dutchess	86,812	253	12,829 44	28,163 11	669 19	.....	38,060 80
Essex	20,022	60	2,812 80	8,235 93	213 06	800 00	12,081 27
Franklin	65,845	337	15,798 66	36,054 98	674 04	.....	42,527 58
Fulton	84,469	488	20,828 44	55,845 79	1,431 77	1,800 00	79,111 00
Genesee	82,245	219	10,260 72	14,173 63	386 67	.....	24,807 02
Hamilton	8,478	87	1,734 66	12,677 66	327 97	800 00	22,981 07
Herkimer	41,595	259	11,818 76	13,403 91	843 11	.....	20,981 23
Jefferson	65,348	401	18,798 88	13,405 69	846 90	800 00	25,425 29
Watertown	9,928	47	2,908 86	1,450 67	37 01	800 00	3,222 14
Kings	20,681	73	3,875 26	17,105 69	443 50	.....	30,161 85
Brooklyn	428,468	1,315	4,109 99	23,768 19	688 88	800 00	42,150 95
Lewis	29,245	327	10,966 17	4,109 99	106 83	.....	7,219 57
Livingston	86,518	317	10,641 76	10,966 17	283 69	4,800 00	14,025 23
Madison	82,124	277	12,968 70	12,059 01	311 19	.....	22,011 96
Monroe	63,168	365	12,066 04	15,948 17	439 36	.....	26,561 49
			13,066 51	21,406 51	645 79	.....	30,844 76
					645 79	.....	34,127 54

SUPERINTENDENT OF PUBLIC INSTRUCTION.

69.

Rochester.....	81,722	230	11,730 00	33,013 76	809 57	800 00	47,003 23
Montgomery.....	35,156	151	7,078 83	14,400 32	374 08	.....	21,913 63
New York.....	1,041,880	3,045	142,749 60	424,647 00	11,089 20	10,800 00	693,182 18
Niagara.....	38,846	104	9,004 72	15,978 08	413 25	.....	23,490 65
Lockport.....	12,553	43	2,015 64	4,165 28	133 57	800 00	8,112 65
Onondaga.....	81,859	459	21,517 93	33,661 90	870 83	800 00	66,850 89
Utica.....	32,408	*101	6,831 84	13,866 31	345 79	800 00	20,043 74
Onondawa.....	64,631	374	17,533 13	29,583 93	687 72	.....	44,804 14
Syracuse.....	49,255	179	8,381 52	19,648 18	618 47	800 00	29,553 17
Ontario.....	47,463	262	12,232 56	19,600 57	507 06	.....	32,880 79
Orange.....	67,887	228	13,220 16	27,923 19	722 88	1,600 00	43,485 71
Newburgh.....	17,322	53	2,484 64	7,124 86	184 32	800 00	10,593 83
Orleans.....	29,937	167	7,828 96	12,813 64	318 56	.....	20,451 16
Oswego.....	56,146	849	16,361 12	23,043 89	597 43	800 00	40,052 44
City.....	22,428	67	3,140 96	23,043 89	238 95	.....	13,404 66
Osego.....	49,766	355	16,642 40	20,469 68	529 54	800 00	37,041 62
Putnam.....	15,789	73	8,422 24	6,498 42	168 11	800 00	10,088 77
Queens.....	68,424	213	9,938 56	28,144 06	728 07	800 00	89,010 69
Long Island City.....	15,587	50	2,344 00	6,411 22	165 86	800 00	9,721 08
Rensselaer.....	56,023	252	11,913 76	23,043 80	596 13	800 00	35,453 18
Troy.....	48,531	148	6,938 24	19,961 66	516 41	.....	28,216 31
Richmond.....	85,196	95	4,458 06	14,476 77	374 53	800 00	19,304 89
Rockland.....	26,915	91	4,266 06	11,070 64	296 39	.....	15,623 11
St. Lawrence.....	73,674	539	25,298 22	30,303 48	783 85	800 00	56,355 75
Saratoga.....	10,353	31	1,451 26	4,290 43	110 23	800 00	6,623 63
Schenectady.....	55,137	294	13,782 72	22,678 87	586 69	800 00	37,948 28
City.....	12,759	61	2,850 65	4,152 67	107 43	800 00	7,119 73
Schoharie.....	32,376	40	1,875 20	5,245 01	135 76	.....	8,053 97
Schuyler.....	18,996	225	10,548 00	13,316 85	344 50	800 00	24,209 35
Seneca.....	28,138	126	5,906 88	7,772 28	201 07	800 00	13,680 23
Steuben.....	71,888	473	6,375 68	11,573 68	299 41	800 00	19,048 77
Suffolk.....	51,873	221	22,408 44	21,326 33	785 88	800 00	54,385 26
Sullivan.....	31,911	195	10,280 48	21,326 33	651 97	.....	32,248 78
Tioga.....	31,749	199	9,141 60	13,948 23	390 84	800 00	22,456 47
Tompkins.....	82,961	303	9,230 12	13,059 95	337 83	800 00	23,526 00
Ulster.....	88,124	333	9,610 40	13,516 84	349 66	800 00	24,276 40
Warren.....	23,280	154	7,511 04	8,297 49	937 89	.....	62,763 77
Washington.....	43,114	304	14,213 58	9,575 49	247 71	.....	17,126 48
Wayne.....	49,384	283	19,700 18	19,700 18	511 06	.....	34,553 66
Westchester.....	103,564	391	13,267 04	20,483 54	630 16	.....	84,230 74
Westmoreland.....	30,582	203	19,628 63	49,567 79	1,101 66	128 78	60,652 23
Yates.....	19,670	123	9,516 84	12,575 04	225 41	.....	22,420 69
Salaries of School Commissioners.....	.....	.....	6,060 63	.....	209 80	88,600 00	14,066 17
Indiana.....	.....	.....	.....	.....	.....	3,389 35	89,000 00
Contingent fund balance.....	4,707	31	.....	.....	.....	1,375 87	3,389 35
Total.....	4,703,605	20,628	\$966,394 32	\$1,922,768 64	\$50,000 00	\$136,847 04	\$3,495,000 00

* By special act Utica is entitled to 118 quotas. † For separate neighborhood, from contingent fund. ‡ Includes \$25.90 for separate neighborhood.

TABLE No. 4.

ABSTRACT of the Statistical Reports of the School Commissioners of the State of New York for the year ending September 30, 1880.

COUNTIES. TOWNS AND CITIES.	1	2	3	4	5	6	7				19	
	Number of districts.	No. of licensed teachers employed at the same time for 28 weeks or more.	No. of children between 5 and 21 years of age, resid- ing in district Sept. 30, 1880.	No. of private schools.	No. of pupils attending private schools.	Average number of weeks school was kept by teach- ers duly licensed.	TEACHERS.					
							LICENSED BY					
							Local officers.	State Superin- tendent.	Normal school.	Males.		Females.
Albany, towns.....	162	183	14,088	2	109	26.5	210	21	28	110	149	271
City.....	26	229	35,411	41	4,474	41.0	173	7	65	25	220	.....
Cohoes.....	35	43	7,991	1	500	20.4	185	1	11	3	44	.....
Allegany.....	255	242	13,325	2	25	30.3	530	4	4	146	415	330
Broome, towns.....	212	244	10,068	1	28	31.0	416	14	6	117	319	285
Binghamton.....	9	63	4,832	6	575	41.0	42	6	15	9	54	.....
Cattaraugus.....	277	338	16,981	2	60	29.5	585	9	13	134	413	474
Cayuga, towns.....	235	273	12,667	8	132	33.1	459	12	9	165	315	450
Auburn.....	11	69	6,079	4	1,000	36.0	62	6	3	1	70	.....
Chautauque.....	286	411	19,944	10	570	32.2	637	41	25	205	499	278
Chemung, towns.....	116	137	6,775	2	32.5	32.5	245	3	4	68	183	106
Elmira.....	77	77	6,207	4	366	40.0	58	2	25	6	79	.....
Chenango.....	313	313	11,165	3	38	31.3	575	6	6	199	388	427
Clinton.....	277	276	17,523	6	223	31.5	447	3	17	109	358	527
Columbia, towns.....	173	196	12,091	13	226	37.0	256	23	17	116	180	233
Hudson.....	4	21	2,575	7	700	40.0	17	4	.....	3	18	.....
Corland.....	165	185	7,575	11	500	30.6	223	8	12	107	238	306
Delaware.....	344	359	13,363	.....	.....	31.4	646	.....	5	211	447	418
Dutchess, towns.....	294	283	19,797	.....	.....	36.3	257	4	3	111	162	235
Poughkeepsie.....	11	60	6,000	.....	631	40.8	63	3	3	1	1	.....
Essex, towns.....	53	53	1,384	23	1,384	31.9	370	16	3	103	401	436
Putnam.....	23	233	14,031	23	9,160	37.0	310	10	50	43	146	.....
West.....	141	219	11,738	4	140	30.7	349	11	7	12	275	310

Franklin	176	213	11,538	1	31	30.0	355	2	12	90	290	368
Fulton	117	188	10,149	1	10	32.8	254	16	9	97	173	232
Genesee	139	188	10,046	2	347	32.5	267	4	6	91	199	241
Greene	160	185	9,687	6	87	33.9	274	14	1	119	174	233
Hamilton	87	87	1,321			32.5	71			23	16	74
Herkimer	233	233	13,040	23	61	33.6	718	7	13	120	218	303
Jefferson, towns	185	401	16,445	6	465	31.0	46	3	22	223	518	685
Watertown	9	47	8,128	3	100	40.0	718	3	8	8	49	62
Kings, towns	72	72	9,801	10	328	41.1	63	9	6	23	1,349	838
Brooklyn	58	1,315	191,083	150	30,000	40.6	1,351	25	21	43	822	838
Lewis	211	227	10,558	8	49	29.5	404	4	3	89	290	367
Livingston	180	217	12,440	18	455	36.4	343	9	27	99	366	241
Madison	224	277	12,600	10	122	31.9	457	11	11	123	238	182
Monroe, towns	219	238	17,588	7	127	34.8	370	19	86	194	224	230
Rochester	27	250	37,000	35	8,500	40.0	238	2	10	18	123	123
Montgomery	115	151	12,381	5	98	38.2	214	17	62	112	123	230
New York	306	8,045	885,000	200	40,000	40.8	3,349	249	82	405	8,245	161
Niagara, towns	163	194	13,740	24	1,116	33.6	343	9	1	119	323	323
Lockport	6	43	4,000	8	400	40.4	47	4	10	5	47	794
Onondaga, towns	379	459	25,386	18	789	32.0	783	12	3	265	539	539
Utica	82	*101	11,812	11	700	40.0	107	12	8	9	101	101
Onondaga, towns	277	374	20,600	2	7	34.4	582	21	3	208	387	527
Syracuse	19	179	18,282	16	1,623	40.0	169	6	4	10	169	169
Ontario	185	222	14,925	9	446	34.2	305	12	11	94	235	426
Orange, towns	182	232	21,988	23	691	38.7	384	15	21	117	343	343
Newburgh	55	53	6,897	9	244	40.0	55	6	5	6	54	54
Orleans	128	167	9,359	10	351	33.6	230	4	11	104	201	337
Oswego, towns	239	349	17,046	4	76	31.9	600	19	27	191	455	544
City	24	67	8,577	8	1,249	40.0	8	2	66	4	67	67
Otsego	317	355	14,746	4	87	39.7	610	10	16	223	408	397
Pulman	61	73	4,495	3	48	41.1	87	8	12	38	69	117
Queens, towns	212	223	23,063	36	984	40.8	175	16	21	52	160	199
Long Island City	7	50	5,556	10	217	44.0	53	1	7	4	62	85
Rensselaer, towns	232	232	19,617	15	440	35.0	323	18	29	118	232	335
Troy	181	148	19,454	20	1,000	40.2	144	1	4	14	134	194
Richmond	17	95	13,358	24	1,118	41.0	77	15	3	29	65	154
Rockland	23	91	8,614	14	390	41.8	85	7	28	60	58	92
St. Lawrence, towns	485	539	25,171	11	362	30.6	838	8	40	214	670	930
Ogdensburg	31	31	4,044	15	570	40.4	28	3	1	1	30	30
Saratoga	291	291	16,463	11	824	34.1	426	20	21	125	342	354
Schenectady, towns	60	61	8,235	4	15	35.9	109	2	3	49	61	119
City	9	40	10,267	1	450	39.2	37	1	4	2	40	87
Schoharie	225	225	10,598	4	143	33.7	383	7	7	183	214	214
Schoharie	211	225	10,598	9	43	31.9	230	1	1	182	143	110
Seneca	113	123	5,568	4	401	32.2	189	7	2	70	123	182
Steuben	93	138	8,566	4	401	32.2	189	12	6	267	412	405
Suffolk	371	473	24,058	2	95	38.5	831	24	23	100	216	269
Sullivan	146	221	16,419	30	86	33.9	230	1	1	116	216	321
Tioga	167	165	12,083	5	86	33.9	230	1	4	68	273	289
Tioga	151	169	9,736	4	371	37.7	331	6				

TABLE No. 4—(Continued).

COUNTIES. TOWNS AND CITIES.	1	2	3	4	5	6	7				19	
	Number of districts.	No. of licensed teachers employed at the same for 28 weeks or more.	No. of children between 5 and 21 years of age residing in district September 30, 1890.	No. of private schools.	No. of pupils attending private schools.	Average number of weeks school was kept by teachers duly licensed.	TEACHERS.				No. of inspections by commissioners.	
							LICENSED BY					
							Local officers.	State Superintendent.	Normal school.	Males.		Females.
Tompkins.	154	205	9,728	5	98	33.4	220	10	24	105	249	341
Ulster.	229	333	23,912	8	114	39.6	496	25	33	184	333	317
Warren.	138	186	8,490	11	206	29.9	274	6	.....	78	201	263
Washington.	238	304	15,057	1	25	32.5	515	13	18	157	354	402
Wayne.	216	253	15,998	78	5,216	34.0	470	12	5	184	303	383
Westchester.	151	381	34,350	4	91	40.8	843	89	25	106	249	249
Wyoming.	171	203	9,477	4	93	31.0	354	8	10	102	295	355
Yates.	103	123	5,966	4	93	32.9	216	6	.....	80	142	206
Total for towns.	11,283	14,299	828,115	560	23,225	33.5	22,179	681	714	7,374	16,300	18,815
Total for cities.	754	6,368	813,058	616	85,342	40.5	6,400	408	354	618	6,538	.....
Total for State.	12,037	20,667	1,641,173	1,176	108,567	35.7	28,579	1,089	1,068	7,992	22,738	18,815

* By special act Utica is entitled to 118 quotas.

TABLE No. 4—(Continued).

COUNTIES. TOWNS AND CITIES.	NO. OF CHILDREN ATTENDING SCHOOL DURING THE YEAR.			AVERAGE DAILY ATTENDANCE DURING THE YEAR.			WHOLE NO. DAYS OF ATTENDANCE AT SCHOOL DURING THE YEAR.		
	8	9	10	11	12	Total.	13	14	15
	Residing in the district.	Resid- ing in other dis- tricts.	Total.	Of children residing in the district.	Of children residing in other dis- tricts.	Total.	Of children residing in the district.	Of children residing in other dis- tricts.	Total.
Kings, towns	4,850	98	4,948	2,602,068	88,062	2,690,130	506,969	7,894	514,863
Brooklyn	96,663	.....	96,663	52,863,000	.....	52,863,000	10,763,673	.....	10,763,673
Lewis	7,513	139	7,652	3,841,743	40,000	3,881,743	648,042	6,290	654,332
Livingston	8,449	824	9,273	4,472,318	181,444	4,653,762	720,884	20,348	741,232
Madison	9,565	770	10,335	5,212,078	300,129	5,512,207	800,035	53,494	853,519
Monroe, towns	11,871	608	12,479	6,183,083	283,764	6,466,847	1,040,460	40,463	1,081,143
Monroe, city	19,871	.....	19,871	8,782,000	.....	8,782,000	1,732,024	.....	1,732,024
Montgomery	8,383	161	8,544	4,006,017	55,624	4,061,641	794,152	10,580	804,732
New York	219,869	.....	219,869	122,420,000	.....	122,420,000	26,573,689	.....	26,573,689
Niagara, towns	9,421	226	9,647	4,877,167	84,436	4,961,603	793,531	15,294	808,825
Lockport	9,421	.....	9,421	1,554,000	.....	1,554,000	302,401	.....	302,401
Oneida, towns	17,863	802	18,665	9,528,085	284,221	9,812,306	1,553,362	50,835	1,604,197
Utica	5,491	.....	5,491	2,737,000	.....	2,737,000	672,072	.....	672,072
Onondaga, towns	15,453	871	16,324	7,860,724	388,045	8,248,769	1,528,866	63,464	1,592,330
Syracuse	2,276	.....	2,276	7,129,000	.....	7,129,000	1,411,513	49,401	1,460,914
Ontario	10,843	563	11,406	6,022,013	241,407	6,263,420	1,055,815	86,006	1,141,821
Orange, towns	15,259	408	15,667	4,674,100	168,668	4,842,768	1,452,728	.....	1,452,728
Newburgh	8,848	.....	8,848	2,219,943	.....	2,219,943	616,108	28,415	644,523
Oswego	6,925	403	7,328	3,063,866	174,877	3,238,743	867,662	.....	867,662
Oswego, towns	13,864	800	14,664	7,600,825	182,728	7,783,553	1,200,861	21,641	1,222,502
City	4,066	.....	4,066	2,867,000	.....	2,867,000	665,940	.....	665,940
Osego	11,669	519	12,188	6,428,708	169,006	6,597,714	1,028,424	86,890	1,115,304
Putnam	8,970	61	9,031	1,678,697	21,897	1,700,594	316,167	4,477	320,644
Queens, towns	18,160	287	18,447	6,707,667	107,898	6,815,565	1,330,807	81,449	1,412,256
Long Island City	8,743	.....	8,743	2,211,000	.....	2,211,000	493,420	.....	493,420
Rensselaer, towns	12,064	108	12,172	6,310,903	82,023	6,392,926	1,194,024	9,395	1,203,419
Troy	8,723	.....	8,723	3,411,000	.....	3,411,000	1,032,142	.....	1,032,142
Richmond	6,097	.....	6,097	2,463,320	103,000	2,566,320	680,640	21,550	702,190
Rockland	6,465	114	6,579	3,063,320	33,207	3,096,527	.....	6,043	6,043

St. Lawrence, towns	19,080	664	19,594	10,361,025	100,340	10,621,865	1,482,803	27,163	1,609,966
Ogdensburg, ...	2,070	...	2,070	1,114,000	94,742	1,114,000	224,002	...	224,002
Saratoga	11,850	280	12,130	6,178,936	7,548	6,223,688	1,049,290	10,367	1,106,637
Schenectady, towns	2,291	17	2,308	1,094,400	...	1,101,918	196,069	1,896	196,454
City	2,298	...	2,298	1,570,000	...	1,570,000	307,724	...	307,724
Schoharie	6,187	217	6,404	4,135,005	74,048	4,209,143	708,008	13,150	721,159
Schoharie	4,190	181	4,371	2,345,763	49,067	2,404,830	382,960	9,244	392,194
Seneca	5,870	296	6,115	3,080,180	94,206	3,174,440	556,242	17,568	573,810
Seneca	18,561	842	19,883	10,013,371	811,447	10,824,818	1,667,734	56,165	1,723,929
Suffolk	11,253	159	11,412	6,171,525	76,190	6,247,715	1,167,083	15,335	1,183,418
Sullivan	8,827	113	8,940	4,083,108	28,153	4,111,261	687,097	5,257	702,964
Tioga	7,906	294	8,200	4,326,883	138,530	4,465,423	729,945	25,268	755,213
Tioga	7,413	498	7,911	4,492,534	220,398	4,712,932	779,106	42,093	821,201
Tomkins	19,406	152	20,058	9,263,188	72,018	9,335,206	1,836,298	14,832	1,851,118
Warren	5,899	29	5,928	2,716,559	8,698	2,725,247	413,506	1,489	415,005
Washington	11,617	594	12,211	6,202,993	209,320	6,412,313	1,027,754	24,832	1,052,586
Wayne	11,770	532	12,308	6,316,404	109,106	6,515,600	1,076,917	30,612	1,107,529
Westchester, ...	19,381	446	19,827	9,708,447	202,515	10,000,962	2,149,817	40,822	2,190,639
Wyoming	7,204	380	7,584	4,085,856	126,027	4,211,883	640,915	24,635	665,550
Yates	4,610	305	4,821	2,573,084	81,562	2,654,626	429,146	14,600	483,746
Total for towns	582,436	20,706	603,142	307,821,867	7,506,093	314,737,962	62,667,788	1,330,091	63,997,879
Total for cities	428,451	...	428,451	238,351,304	...	238,351,304	51,983,883	...	51,983,883
Total for State	1,010,887	20,706	1,031,593	546,183,201	7,506,093	573,089,266	104,651,671	1,330,091	105,981,762

Montgomery.....	7,355	3,107	77	.....	97	13	5	115	29,340	108,740
New York.....	29,505	12,400	109	.....	10	117	.....	127	8,030,000	10,006,800
Niagara, towns.....	11,806	6,008	.....	.....	99	42	27	168	27,913	149,649
Lockport.....	4,066	3,600	219	.....	.....	19	13	388	32,000	107,010
Oneida, towns.....	18,014	8,439	.....	.....	384	42	.....	.....	56,417	286,417
Utica.....	7,942	16,932	.....	.....	1	17	.....	18	69,206	278,156
Onondaga, towns.....	17,447	8,751	168	.....	210	47	27	234	166,000	726,281
Syracuse.....	18,691	25,000	.....	.....	2	14	.....	16	30,357	245,291
Ontario.....	8,847	5,345	77	.....	151	37	15	208	53,620	249,629
Orange, towns.....	16,247	8,367	137	.....	1	29	18	192	30,000	184,000
Newburgh.....	11,974	22,000	.....	.....	1	6	.....	135	80,125	149,886
Orleans.....	4,368	4,368	97	.....	94	9	32	268	28,765	185,616
Oswego, towns.....	10,170	4,791	157	.....	258	23	7	14	26,140	153,230
City.....	4,237	3,779	.....	.....	8	5	1	318	27,972	186,718
Oleago.....	14,822	6,660	181	.....	309	9	7	61	12,831	67,775
Putnam.....	3,491	1,082	30	.....	55	6	.....	84	65,000	687,408
Queens, towns.....	18,927	10,542	74	.....	81	3	.....	7	10,000	207,353
Long Island City.....	600	300	.....	.....	5	2	.....	180	216,000	23,490
Rensselaer, towns.....	14,688	6,491	117	.....	164	24	1	14	32,375	64,190
Troy.....	1,050	800	.....	.....	1	13	.....	498	30,336	231,861
Richmond.....	7,161	6,848	23	.....	19	10	1	9	53,377	183,656
Rockland.....	6,365	2,742	30	.....	39	5	.....	281	4,266	83,716
St. Lawrence, towns.....	19,806	4,892	162	.....	404	50	17	9	92,000	78,000
Saratoga.....	8,654	2,500	.....	.....	15	6	.....	205	15,820	96,498
Schenectady, towns.....	11,164	6,000	113	.....	1	48	2	113	13,293	54,155
City.....	2,886	1,023	37	.....	183	6	6	390	30,295	130,290
Schoharie.....	8,100	4,900	.....	.....	47	11	1	143	43,047	207,513
Schoharie.....	8,769	2,418	101	.....	2	6	.....	166	38,834	211,739
Scheneca.....	2,438	1,713	36	.....	201	3	1	183	8,404	78,122
Seneca.....	6,553	3,728	44	.....	109	2	.....	159	82,025	122,220
Steuben.....	11,534	6,743	105	.....	66	84	5	161	66,066	120,366
Suffolk.....	16,460	7,785	127	.....	87	4	.....	236	66,190	297,340
Sullivan.....	9,805	2,523	107	.....	162	4	.....	140	66,326	11,191
Tioga.....	8,541	5,258	51	.....	183	2	1	243	28,645	213,623
Tompkins.....	7,056	5,258	53	.....	164	5	.....	216	42,626	613,739
Ulster.....	19,405	11,733	159	.....	166	23	.....	165	141,436	643,341
Warren.....	1,849	483	27	.....	206	4	.....	171	23,695	177,695
Washington.....	14,506	9,006	144	.....	129	4	.....	104	16,855	71,551
Wayne.....	12,084	7,433	135	.....	191	48	3	11,465	\$1,763,174	\$10,516,561
Westchester.....	20,253	22,668	123	.....	168	29	29	434	\$4,725,063	\$20,230,698
Wyoming.....	9,914	6,789	86	.....	166	4	4	11,896	\$6,518,237	\$30,747,609
Yates.....	3,665	2,018	34	.....	90	9	6	.....	.....	.....
Total for towns.....	573,311	\$307,389	5,688	83	10,030	948	404	11,465	\$1,763,174	\$10,516,561
Total for cities.....	162,869	\$178,290	.....	.....	47	378	9	434	\$4,725,063	\$20,230,698
Total for State.....	735,653	\$485,649	5,688	83	10,077	1,826	413	11,896	\$6,518,237	\$30,747,609

TABLE No. 5.

ABSTRACT of the Financial Reports of School Commissioners for the year ending September 30, 1880.

COUNTIES. TOWNS AND CITIES.	RECEIPTS.					
	1	2	3	4	5	6
	Amount on hand October 1, 1879.	Amount apportioned to district.	Proceeds of gospel and school lands.	Raised by tax.	From all other sources. Teachers' board. Other sources not named.	Total.
Albany, towns.....	\$4,839 01	\$23,900 04	\$1 50	\$37,785 57	\$4,414 80	\$74,835 13
City.....	47,340 65	48,171 93	.....	146,477 81	.....	244,869 05
Cohoes.....	21,494 06	10,185 79	.....	26,054 90	.....	60,802 86
Allegany.....	1,903 17	81,498 55	23 31	21,876 38	3,531 44	60,141 50
Broome, towns.....	2,000 28	24,876 49	287 19	27,114 49	2,625 41	59,743 15
Binghamton.....	6,907 55	10,630 40	.....	27,000 00	.....	45,530 23
Cattaraugus.....	2,459 40	35,284 22	5 00	42,971 01	8,424 50	88,693 03
Cayuga, towns.....	3,278 41	81,290 85	2,451 65	31,298 25	5,486 00	75,426 40
Auburn.....	26,200 41	11,810 17	.....	27,842 41	1,687 51	67,540 50
Chautauque.....	15,551 30	48,300 96	.....	66,641 21	14,120 34	146,539 23
Chemung, towns.....	1,571 01	14,988 69	.....	19,805 75	380 08	38,477 80
Elmira.....	10,340 80	13,046 98	.....	38,894 50	2,064 16	64,346 35
Chenango.....	1,483 24	33,407 39	1,060 88	20,836 37	3,477 16	68,052 71
Clinton.....	1,295 94	35,473 67	412 34	33,969 16	1,364 73	73,407 61
Columbia, towns.....	1,738 47	26,537 54	.....	89,147 36	5,517 20	69,725 87
Hudson.....	5,318 93	4,756 38	.....	11,000 00	83 75	21,168 01
Cortland.....	653 46	19,825 17	613 71	12,628 41	1,791 75	37,812 45
Delaware.....	1,101 13	34,350 68	388 35	19,047 15	2,764 73	73,659 01
Dutchess, towns.....	7,103 83	36,106 65	.....	63,882 79	1,068 22	108,171 49
Poughkeepsie.....	14,082 09	12,270 49	.....	23,898 60	.....	50,049 24
Erie, towns.....	2,882 28	42,704 81	41	23,092 10	5,895 32	91,083 93
Buffalo.....	185,449 48	70,371 53	1,963 14	237,092 01	64 00	479,798 88
Essex.....	2,731 34	29,865 50	.....	27,040 61	1,690 23	59,171 60
Franklin.....	2,017 35	22,857 43	223 93	21,050 68	600 00	49,214 97
Fulton.....	809 70	20,562 45	404 05	25,250 03	2,320 43	59,457 83
Genesee.....	2,965 82	21,075 62	3 00	35,041 61	1,515 41	61,010 23
Greene.....	1,014 47	22,614 44	.....	19,430 99	1,087 14	47,018 08
Hamilton.....	3,393 43	3,170 02	87 34	13,862 16	2,206 75	7,452 07
Herkimer.....	9,155 30	90,246 17	.....	30,401 97	2,001 50	85,519 69

Jefferson, towns.....	2,139 35	30 97	38,491 03	5,938 40	1,985 53	90,426 59
Waters town.....	22,402 40	2 50	18,000 00	.....	3,787 47	39,872 70
Kings, towns.....	182,762 16	.....	41,910 34	.....	8,751 90	87,455 79
Brooklyn.....	545 29	.....	786 55 35	.....	57,727 74	1,306,069 16
Lewis.....	2,253 37	62 00	30,908 73	1,778 75	293 02	38,040 19
Livingston.....	2,827 15	553 12	40,684	490 68	9,307 40	69,290 70
Madison.....	4,792 98	.....	41,331 34	1,453 07	3,805 74	71,390 25
Monroe, towns.....	90,747 08	30 00	128,632 00	207 00	88,935 17	88,935 17
Rochester.....	2,063 28	.....	38,424 85	655 40	1,541 37	267,083 41
Montgomery.....	.....	381 86	2,804 635 88	.....	62,202 32	267,083 41
New York.....	6,119 35	.....	32,121 08	.....	1,354 00	3,396,224 82
Niagara, towns.....	17,111 80	.....	17,000 00	60 00	3,634 02	65,513 87
Leedsport.....	5,268 08	709 19	42,577 38	316 00	4,023 16	45,940 84
Oswego, towns.....	38,076 61	3,225 23	46,900 00	.....	2,118 90	120,160 63
Utica.....	7,304 38	178 76	56,648 65	.....	10,240 61	125,096 26
Onondaga, towns.....	53,061 32	.....	92,000 00	675 00	3,416 02	123,194 04
Syracuse.....	7,517 40	.....	48,063 91	.....	3,875 05	177,011 57
Ontario, towns.....	10,724 23	.....	79,074 63	165 75	3,698 43	127,431 84
Newburgh.....	1,438 56	.....	81,401 00	.....	3,785 56	136,433 56
Orleans.....	1,503 25	.....	25,236 77	153 00	3,094 39	50,395 26
Owego, towns.....	3,405 51	345 13	20,546 50	624 00	2,333 10	77,631 95
City.....	1,254 70	121 74	27,115 13	7,384 10	4,183 67	86,234 77
Osego.....	1,171 41	.....	16,860 91	.....	4,642 80	40,962 39
Rutland.....	30,733 79	12,548 81	30,113 89	.....	4,660 39	100,479 29
Long Island City.....	269 75	.....	62,616 62	114 00	5,352 79	107,850 88
Rensselaer, towns.....	4,228 85	.....	62,500 00	.....	7,641 10	99,087 63
Troy.....	6,708 81	16 00	32,147 43	.....	7,973 23	96,877 23
Richmond.....	1,471 07	2,862 36	39,501 73	6,008 44	2,209 01	67,005 88
Rockland.....	8,240 30	.....	33,993 96	.....	104,947 31	28,816 43
St. Lawrence, towns.....	8,009 87	12 95	13,700 00	849 54	7,407 62	113,549 89
Orleansburg.....	14,333 49	.....	62,796 01	.....	7,108 97	15,514 20
Saratoga.....	287 51	.....	1,961 57	.....	23,091 60	52,727 51
Schenectady, towns.....	.....	9 98	15,000 00	9,585 28	842 44	33,437 77
City.....	543 85	540 85	17,961 00	1,806 86	387 77	58,406 38
Schoharie.....	8,741 22	1,672 31	15,543 53	195 00	1,795 02	149,130 10
Schuyler.....	9,302 64	78 00	26,359 34	7,052 75	8,326 67	115,019 48
Seneca.....	5,323 95	330 00	50,622 30	140 50	14,302 00	45,270 91
Steuben.....	9,332 19	.....	1,234 91	1,234 91	213 63	4,981 39
Suffolk.....	22,642 81	4 91	24,786 51	2,168 28	4,081 39	68,206 68
Sullivan.....	23,541 00	1,650 64	32,578 46	2,450 16	6,069 81	69,965 70
Tioga.....	7,745 10	21 04	65,236 07	1,344 40	2,734 22	134,871 63
Tompkins.....	1,927 56	74 48	13,913 38	1,822 00	3,547 62	85,755 23
Ulster.....	8,326 84	85 68	42,296 78	1,188 56	4,084 93	91,225 53
Warren.....	333 10	244 11	46,633 44	.....	14,923 70	831,985 72
Washington.....	8,186 40	1,032 20	204,735 70	.....	.....	.....
Wayne.....	4,059 03	.....	.....	.....	.....	.....
Westchester.....	50,813 22	.....	.....	.....	.....	.....

TABLE No. 5—(Continued).
 ABSTRACT of the Financial Reports of School Commissioners for the year ending September 30, 1880.

COUNTIES. TOWNS AND CITIES.	RECEIPTS.					
	1	2	3	4	5	6
	Amount on hand October 1, 1879.	Amount apportioned to district.	Proceeds of gospel and school lands.	Raised by tax.	From all other sources. Teachers' board. Other sources not named.	Total.
Wyoming.....	\$2,823 05	\$22,578 93	.....	\$25,752 87	\$2,950 84	\$54,246 69
Yates.....	490 37	14,790 49	.....	17,991 06	907 35	87,354 65
Total for towns.....	\$319,842 17	\$1,758,324 88	\$32,933 45	\$2,284,532 87	\$123,771 87	\$4,732,777 14
Total for cities.....	\$656,183 12	\$1,240,454 44	\$1,063 14	\$4,641,409 07	.....	\$6,658,111 02
Total for State.....	\$978,523 29	\$2,998,779 02	\$34,828 59	\$6,925,991 01	\$123,771 87	\$11,390,888 16

TABLE No. 5—(Continued).

COUNTIES. TOWNS AND CITIES.	PAYMENTS.										Total.
	7 For teachers' wages.	8 For libraries.	9 For school apparatus.	10 For colored schools.	11 For school-houses, sites, fences, out-houses, repairs, furniture, etc.	12 For all other incidental expenses.	13 Forfeited in hands of supervisor last Tuesday of March, 1880.	14 Amount remaining on hand Sept. 30, 1880.	15		
Albany, towns.....	\$33,271 18	\$265 53	\$173 28	.....	\$13,001 99	\$5,423 12	.....	\$3,195 05	\$74,825 13		
City.....	141,434 73	1,963 77	489 18	.....	28,343 24	10,020 03	.....	52,453 02	244,860 06		
Colosse.....	23,204 21	124 25	147 14	.....	4,083 30	6,138 99	.....	28,337 41	60,302 96		
Allegany.....	49,338 73	153 96	103 19	.....	3,606 06	4,032 50	.....	2,933 00	60,141 50		
Broome, towns.....	40,338 43	111 66	144 92	.....	10,069 12	4,569 09	.....	1,857 08	59,746 15		
Elmhamton.....	27,730 24	542 90	81 00	.....	11,003 61	5,373 29	.....	1,853 18	46,530 23		
Cattaraugus.....	85,285 57	476 02	173 77	.....	11,354 56	6,388 93	.....	3,046 19	88,068 03		
Cayuga, towns.....	84,514 51	122 45	166 98	.....	5,318 72	10,865 12	.....	4,188 62	75,428 40		
Auburn.....	26,560 00	47 09	184 83	.....	7,439 18	6,600 03	.....	27,016 87	67,540 60		
Chautauqua.....	93,196 47	665 10	499 39	.....	29,915 18	15,171 81	.....	7,171 20	146,539 23		
Chemung, towns.....	23,039 37	18 25	88 91	.....	4,925 01	3,041 85	.....	2,894 00	38,477 39		
Clinton.....	40,635 20	141 77	65 05	.....	8,286 94	3,178 37	.....	7,059 08	64,346 35		
Elmira.....	88,231 70	164 14	118 05	.....	3,213 82	4,596 93	\$1 45	1,746 82	68,052 71		
Glinton.....	50,833 83	133 74	138 98	.....	7,089 60	9,664 99	2 70	5,501 37	73,407 61		
Columbia, towns.....	50,705 79	73 23	206 00	\$365 75	12,774 29	4,106 44	.....	1,494 88	69,725 87		
Hudson.....	8,705 25	.....	150 00	.....	6,116 62	706 25	.....	5,510 89	21,188 01		
Cortland.....	30,197 65	244 45	118 07	.....	2,965 66	2,301 86	15 71	1,968 05	37,813 45		
Delaware.....	62,963 69	66 07	31 15	.....	5,569 23	3,530 99	24 77	1,423 96	73,659 91		
Dutchess, towns.....	53,181 46	569 19	563 09	450 00	11,239 35	7,384 28	.....	4,755 12	108,171 49		
Poughkeepsie.....	24,965 09	2,726 29	2,213 60	.....	3,429 05	4,438 59	.....	19,214 62	50,049 24		
Erie, towns.....	65,540 79	645 80	157 12	.....	10,448 14	7,294 02	.....	4,026 67	91,052 05		
Buffalo.....	284,867 24	1,854 70	.....	982 40	25,023 57	33,296 61	42 51	133,815 30	479,798 88		
Essex.....	45,233 16	203 25	38 84	.....	6,843 04	5,316 31	.....	2,482 52	68,171 60		
Franklin.....	36,232 21	456 83	79 16	.....	6,438 01	4,501 20	44	1,507 56	49,214 97		
Fulton.....	38,970 54	242 47	423 11	.....	5,517 39	4,005 29	4 00	1,289 02	50,467 82		
Genesee.....	39,357 59	309 40	146 35	.....	5,033 17	13,020 83	.....	3,143 48	61,010 52		
Greene.....	38,690 39	95 58	68 08	350 00	3,168 25	3,297 15	1 67	1,027 55	47,618 68		
Hamilton.....	5,870 97	2 56	.....	.....	1,038 70	268 62	.....	227 23	7,452 97		
Herkimer.....	61,931 97	112 97	137 75	.....	12,539 69	5,916 99	.....	2,900 22	83,519 60		
Jefferson.....	69,018 26	97 05	165 50	.....	11,802 65	6,485 64	3 36	2,882 66	90,426 59		
Watertown.....	17,991 00	641 73	221 95	21 47	3,902 09	6,615 94	.....	.....	29,273 70		

TABLE No. 5—(Continued).

COUNTRIES. TOWNS AND CITIES.	PAYMENTS.										Total.
	7	8	9	10	11	12	13	14	15		
	For teachers' wages.	For libraries.	For school apparatus.	For colored schools.	For school-houses, sites, fences, out-houses, repairs, furniture, etc.	For all other incidental expenses.	Forfeited in hands of supervisor 1st Tuesday of March, 1880.	Amount remaining on Sept. 30, 1880.			
Kings, towns.....	\$37,238 59	\$253 08	\$757 10	\$473 70	\$12,500 79	\$13,886 95	.....	\$32,408 64	\$37,655 79		
Brooklyn.....	732,317 63	.....	13,740 74	13,128 32	70,234 54	182,845 04	.....	294,843 87	1,305,090 19		
Lewis.....	31,391 80	31 45	104 23	.....	8,758 67	2,281 94	.....	611 05	88,049 19		
Livingston.....	46,099 16	535 84	982 34	.....	14,109 51	5,923 14	.....	1,871 71	69,290 70		
Madison.....	55,371 32	139 91	242 24	.....	6,731 08	6,940 82	.....	2,959 65	71,380 25		
Monroe, towns.....	67,232 82	56 23	298 34	.....	8,684 98	7,405 50	.....	5,146 40	88,835 17		
Rochester.....	119,161 56	1,383 56	2,353 87	.....	28,141 88	21,023 51	.....	87,057 03	297,083 41		
Montgomery.....	47,410 20	108 63	187 60	.....	8,274 32	4,240 75	.....	1,791 83	63,322 33		
New York.....	2,653,770 61	.....	139,198 78	27,233 24	284,631 81	461,500 43	.....	.....	8,399,324 93		
Niagara, towns.....	45,777 39	842 17	98 23	.....	7,169 90	5,515 56	.....	6,610 63	65,513 87		
Lookport.....	22,518 47	210 05	132 18	.....	8,622 04	9,088 56	.....	14,389 14	45,940 84		
Oneida, towns.....	93,703 95	314 13	238 14	.....	10,567 02	9,858 84	.....	5,437 90	130,160 63		
Utica.....	48,737 43	741 20	115 25	.....	23,721 24	9,180 93	.....	40,427 80	125,086 38		
Onondaga, towns.....	87,665 26	487 24	262 30	.....	13,853 38	12,827 10	.....	8,123 73	120,194 04		
Syracuse.....	83,216 49	1,743 46	2,535 32	.....	13,106 03	12,072 40	.....	90,153 47	177,911 57		
Ontario.....	68,215 38	189 91	470 75	.....	12,433 17	6,445 63	.....	10,780 06	82,431 94		
Orange, towns.....	98,925 24	398 81	1,578 47	.....	11,885 27	10,241 20	.....	15,869 47	136,435 99		
Newburgh.....	32,567 50	1,012 61	49 24	438 84	6,714 69	7,253 99	.....	4 54	44,138 10		
Orleans.....	36,844 35	140 42	49 24	.....	6,716 11	4,000 50	.....	1,914 71	50,386 35		
Oswego, towns.....	56,844 53	234 70	178 63	.....	7,813 30	6,832 07	.....	2,623 15	77,831 58		
City.....	29,187 16	1,053 61	66 71	.....	1,233 36	8,467 71	.....	1,014 04	40,969 59		
Otsego.....	67,997 60	253 37	324 69	.....	9,288 01	6,781 66	8 40	1,561 32	86,894 77		
Putnam.....	23,668 79	37 27	101 14	.....	2,458 88	2,801 96	.....	1,363 33	28,861 38		
Queens, towns.....	94,716 97	889 86	2,316 94	2,607 45	26,051 63	13,233 12	.....	21,114 30	160,479 29		
Long Island City.....	26,112 19	1,998 15	2,816 94	.....	6,280 23	4,280 53	.....	1,256 83	40,060 17		
Rensselaer, towns.....	68,971 10	451 84	124 76	.....	26,440 99	8,102 70	.....	8,660 88	107,880 83		
Troy.....	77,768 00	.....	.....	.....	4,070 99	17,248 73	.....	.....	99,087 63		
Richmond.....	56,438 32	238 86	2,969 49	750 00	14,576 41	14,390 40	.....	7,442 06	96,877 23		
Rensselaer, towns.....	32,410 48	184 83	708 60	530 00	13,764 26	6,232 50	.....	8,966 53	67,006 89		
St. Lawrence, towns.....	.....	100 87	158 37	.....	2,989 98	7,186 05	179 16	4 08	104,947 81		
Ogdensburg.....	10,100 00	.....	.....	40 40	3,959 51	4,060 69	.....	10,453 60	25,816 43		

Saratoga.....	68,601 20	421 87	85 55	.....	20,267 38	9,294 28	.....	14,786 01	118,548 89
Schenectady, towns.....	13,256 86	125 95	130 88	.....	118 66	1,174 63	.....	230 48	15,514 20
City.....	18,773 84	21 83	51 82	.....	1,182 27	2,967 72	.....	.....	23,091 60
Schoharie.....	45,008 03	21 83	125 90	.....	2,254 11	4,801 87	.....	617 46	52,727 51
Schuyler.....	24,539 88	66 46	46 39	106 00	2,807 97	8,019 84	.....	8,467 79	38,437 77
Seneca.....	88,128 62	150 16	88 61	.....	7,853 19	4,868 61	.....	7,792 39	98,406 88
Steuben.....	99,800 27	222 97	408 51	.....	27,700 95	16,068 40	.....	4,904 00	149,130 10
Suffolk.....	76,964 78	876 60	829 96	.....	19,028 88	9,403 60	.....	8,674 64	115,919 43
Sullivan.....	36,466 24	103 40	87 11	640 97	4,448 52	2,623 25	.....	1,843 39	45,270 91
Tioga.....	42,375 18	277 75	159 50	.....	7,347 95	4,829 77	.....	8,716 53	63,206 68
Tompkins.....	50,261 21	1,110 27	448 14	.....	8,649 98	12,099 06	.....	1,649 87	69,895 70
Ulster.....	108,151 04	649 83	876 79	.....	6,740 45	7,776 28	.....	10,965 97	134,871 63
Warren.....	24,963 97	49 08	71 66	.....	5,891 78	1,705 98	.....	295 23	32,947 20
Washington.....	62,182 64	157 22	570 89	.....	9,123 85	9,311 62	.....	4,406 24	85,755 23
Wayne.....	64,404 00	569 07	159 48	.....	13,975 55	8,098 98	.....	4,013 47	91,225 55
Westchester.....	189,644 43	1,523 35	10,465 19	509 78	50,969 38	26,107 47	.....	62,550 28	331,986 73
Wyoming.....	38,185 02	73 91	513 83	.....	5,469 53	7,704 90	.....	2,286 74	54,245 69
Yates.....	28,059 98	177 21	46 48	.....	5,730 80	2,724 51	.....	615 07	37,354 05
Total for towns.....	\$3,342,033 99	\$16,457 98	\$30,845 55	\$7,158 36	\$603,831 87	\$413,393 41	\$321 63	\$318,704 95	\$4,782,777 14
Total for cities.....	\$4,296,887 89	\$13,910 63	\$165,231 42	\$41,823 96	\$541,999 78	\$223,551 39	.....	\$775,295 95	\$6,668,111 02
Total for State.....	\$7,638,921 88	\$30,368 51	\$196,076 97	\$48,482 32	\$1,145,831 15	\$1,236,944 80	\$321 63	\$1,093,910 90	\$11,380,888 16

TABLE No. 6.

STATEMENT of the investment of the capital of the School Fund at close of each fiscal year since its establishment, to September 30, 1880.

YEARS.	BONDS.		LOANS OF				Dist. of Co. Invested in Bonds.
	For lands sold.	For loans.	1786.	1792.	1808.	1840.	
1805.....		\$24,900 00					
1806.....	\$87,674 83	42,800 00					
1807.....	163,407 63	62,778 00					
1808.....	212,246 31	83,403 00					
1809.....	219,995 21	101,501 00					
1810.....	232,702 97	69,633 75					
1811.....	240,570 67	101,924 52					
1812.....	263,743 26	143,965 38					
1813.....	260,342 26	222,540 51					
1814.....	268,124 86	245,031 17					
1815.....	291,424 91	328,107 30					
1816.....	320,165 33	392,076 93					
1817.....	309,383 60	367,980 71					
1818.....	316,434 39	390,000 17					
1819.....					\$500,000 00	\$449,076 00	
1820.....					500,000 00	449,076 00	
1821.....		4,554 57			500,000 00	449,076 00	
1822.....					498,177 50	449,076 00	
1823.....	23,883 39				483,232 87	447,495 25	
1824.....	85,749 12				450,660 92	443,990 50	
1825.....	100,664 46				410,547 06	436,372 50	
1826.....	112,751 28				382,549 40	434,182 50	
1827.....	186,624 59		\$31,624 38		353,496 96	430,121 50	
1828.....	201,611 65	1,500 00	30,065 21		332,564 35	426,303 54	
1829.....	212,421 98	1,500 00	20,665 00		317,860 17	411,352 82	
1830.....	242,613 52	18,800 00	10,157 22		300,073 54	393,461 53	
1831.....	335,233 22	20,850 00	9,611 47		275,591 91	363,985 16	
1832.....	570,009 23	17,663 06	9,158 59		246,537 63	332,092 75	
1833.....	651,510 80	24,650 00	3,394 65		215,037 93	299,453 46	
1834.....	601,646 20	40,665 00	2,826 87		201,000 66	283,193 04	
1835.....	1,098,577 86	176,644 48	2,815 12		179,571 17	260,120 93	
1836.....	1,154,869 48	190,330 89	2,815 12		160,038 95	242,078 44	
1837.....	1,118,098 35	284,530 21	2,815 12		156,106 57	235,917 06	
1838.....	1,094,221 62	287,506 29	2,815 12		150,981 58	232,106 06	
1839.....	1,047,685 80	326,613 63	2,815 12		138,401 74	223,065 22	
1840.....	1,022,200 85	408,087 14	2,815 12		134,508 61	222,098 22	
1841.....	1,087,554 15	424,118 03	2,815 12		130,793 14	220,346 22	
1842.....	1,014,305 07	409,316 11			115,995 72	221,176 95	
1843.....	1,001,542 92	367,325 28			113,262 73	219,174 95	
1844.....	975,711 18	338,561 87			110,671 23	214,886 26	
1845.....	913,361 57	311,883 88			107,472 14	212,214 26	
1846.....	887,024 23	293,941 43			105,232 60	208,469 84	
1847.....	826,149 19	257,865 33			103,054 15	202,613 03	
1848.....	744,854 97	236,901 74			97,363 14	198,771 03	
1849.....	705,438 29	246,131 75			89,893 50	191,588 32	
1850.....	710,975 40	198,269 02			17,982 86	21,737 81	
1851.....	652,435 30	209,034 72			579 50	3,543 46	
1852.....	584,010 87	217,845 36				946 45	
1853.....	567,829 02	236,754 17				679 45	
1854.....	540,932 91	248,963 97				299 31	
1855.....	551,458 12	248,967 29				299 31	
1856.....	535,926 19	234,233 05				299 31	
1857.....	529,697 66	310,227 29					
1858.....	515,198 73	349,193 11					
1859.....	498,146 07	381,218 09					
1860.....	455,210 53	370,253 41					
1861.....	422,575 87	408,469 71					
1862.....	412,163 73	375,747 61					
1863.....	370,388 96	330,461 05					
1864.....	335,189 17	285,028 15					
1865.....	317,168 48	254,902 83					
1866.....	290,303 17	197,388 54					
1867.....	265,806 50	200,177 93					
1868.....	229,550 08	202,491 66					
1869.....	221,734 79	230,884 72					
1870.....	214,820 13	215,431 69					
1871.....	226,118 68	182,794 30					
1872.....	217,003 65	175,379 30					
1873.....	235,033 90	157,630 13					
1874.....	247,746 59	152,750 54					
1875.....	237,498 87	150,128 61					
1876.....	229,285 21	145,611 22					
1877.....	214,327 23	143,608 24					
1878.....	194,034 56	142,243 67					
1879.....	194,836 95	94,561 59					
1880.....	180,188 50	64,511 03					
							\$99,800 00

TABLE No. 6—(Continued).

YEARS.	Bank stock.	State stocks.	United States stocks.	Comptroller's bonds.	Money in the treasury.	Bonds for escheated lands.	Quittrents, arrearages of interest, and miscellaneous.	Oswego city bonds.	Total amount of capital.
1805.....					\$1,874 10				\$26,774 10
1806.....	\$50,000				2,688 13				183,162 96
1807.....	61,000				16,978 53				307,164 56
1808.....	70,850				3,606 67				380,637 15
1809.....	79,100				3,350 30				428,177 91
1810.....	118,500				326 33				483,526 29
1811.....	165,000				2,338 37				568,464 69
1812.....	180,000				5,345 54				636,758 07
1813.....	235,000				35,955 43				822,064 94
1814.....	270,000				42,548 02				861,457 89
1815.....	270,000								934,015 13
1816.....	270,000								982,242 26
1817.....	264,000								971,364 31
1818.....	261,000				17,454 53				1,044,889 09
1819.....	180,000								1,229,076 00
1820.....	180,000								1,215,526 00
1821.....	180,000								1,185,641 98
1822.....	180,000				3,822 50	\$6,686 85			1,185,827 40
1823.....	180,000	\$13,000 00			8,827 94	8,853 63			1,172,913 28
1824.....	180,000	13,000 00			89,025 37				1,290,046 14
1825.....	280,000	168,000 00			9,520 56	11,781 88			1,319,886 46
1826.....	280,000	220,000 00			11,850 88	12,163 58			1,353,477 64
1827.....	280,000	220,000 00			97,653 00	1,676 37			1,611,057 80
1828.....	280,000	320,000 00			70,446 24	28,607 81			1,684,628 80
1829.....	280,000	368,826 00			45,091 72	26,363 55			1,711,081 24
1830.....	280,000	407,000 00			83,463 85				1,735,569 66
1831.....	280,000	407,000 00			61,887 64				1,754,159 49
1832.....	230,000	327,000 00			2,714 02				1,735,175 23
1833.....	230,000	330,000 00							1,754,046 84
1834.....	230,000	230,000 00							1,791,321 77
1835.....	165,050				52,413 15				1,875,191 71
1836.....	103,250				64,111 29				1,917,494 17
1837.....	102,300	1,720 79			39,880 37				1,919,647 63
1838.....	102,300				55,266 05				1,929,707 51
1839.....	102,300	21,755 91			67,414 57				1,932,421 99
1840.....	102,300	21,755 91			117,542 10				2,033,807 95
1841.....	102,300	23,200 96			12,302 06				2,036,625 68
1842.....	102,300	23,200 96			48,797 91				1,968,200 72
1843.....	102,300	23,200 96			115,088 31				1,975,093 15
1844.....	102,300	23,200 96			219,384 85				1,992,916 35
1845.....	50,000	115,500 96		\$51,645 49	320,334 11				2,050,632 41
1846.....	50,000	115,500 96		51,645 49	413,928 46				2,133,928 46
1847.....	50,000	115,500 96		51,645 49	55,468 32				2,170,514 47
1848.....	50,000	290,500 96		451,645 49	143,236 81				2,211,473 14
1849.....	50,000	228,200 96		656,445 49	64,685 05				2,243,563 36
1850.....	50,000	213,200 96		884,981 65	152,179 53				2,290,673 23
1851.....	50,000	213,200 96	1,034,981 65		112,548 13				2,325,449 72
1852.....	50,000	193,200 96	1,052,981 65		206,578 80				2,354,530 09
1853.....	50,000	193,200 96	1,054,986 16		230,481 87				2,383,297 23
1854.....	50,000	193,200 96	1,043,341 33		229,147 49				2,425,211 97
1855.....	50,000	231,460 96	1,043,341 33		282,667 85				2,457,530 86
1856.....	50,000	231,460 96	1,043,341 33		347,339 30				2,491,916 14
1857.....	50,000	936,502 29	1,043,341 33		312,339 00				2,526,392 24
1858.....	50,000	936,502 29	356,300 00		294,740 34				2,551,260 52
1859.....	50,000	936,502 29	356,300 00		324,763 71				2,586,251 16
1860.....	50,000	936,502 29	356,300 00		385,444 45				2,607,036 68
1861.....	50,000	1,135,057 24	356,300 00		286,173 20				2,625,476 94
1862.....	50,000	1,135,057 24	356,300 00		279,821 84				2,658,116 42
1863.....	50,000	1,135,057 24	356,300 00		394,019 08				2,694,552 33
1864.....	50,000	1,135,057 24	356,300 00		523,312 59				2,734,213 15
1865.....	50,000	1,135,057 24	356,300 00		608,006 22				2,766,760 77
1866.....	50,000	1,165,057 24	36,000 00		1,011,555 69				2,799,630 94
1867.....	50,000	1,165,057 24	36,000 00		1,061,297 67				2,827,465 34
1868.....	50,000	1,165,057 24	36,000 00		1,054,571 42				2,850,000 00
1869.....	50,000	1,165,057 24	36,000 00		1,058,010 26				2,883,396 40
1870.....	50,000	1,165,057 24	36,000 00		1,133,597 98				2,915,633 04
1871.....	50,000	1,165,057 24	36,000 00		1,226,480 30				2,978,576 52
1872.....	50,000	1,165,057 24	36,000 00		1,277,547 36				3,004,513 55
1873.....	50,000	1,165,057 24	36,000 00		1,310,866 28				3,029,513 55
1874.....	50,000	1,165,057 24	36,000 00		1,356,891 73				3,054,772 10
1875.....	50,000	1,165,057 24	36,000 00		1,381,796 96				3,080,167 68
1876.....	50,000	1,165,057 24	36,000 00		1,422,028 01				3,105,167 68
1877.....	50,000		\$30,000 00		254,000 00				3,130,762 73
1878.....	50,000		30,000 00		2,687,858 56				3,156,062 73
1879.....	50,000		443,000 00		2,392,561 00				3,226,285 54
1880.....	50,000		1,445,000 00		1,376,135 01				3,251,285 54

* Treasury notes.

TABLE No. 7.

COMPARATIVE STATISTICS of the Common Schools of the State for the fiscal year ending September 30, 1880, and for the year ending September 30, 1875.

STATISTICAL.

	1880.			1875.		
	Cities.	Towns.	Total.	Cities.	Towns.	Total.
Number of school districts.....	754	11,283	12,037	704	11,291	11,995
Number of teachers employed at the same time for twenty-eight weeks or more.....	8,853	14,339	23,192	5,545	13,528	19,073
Number of children between five and twenty-one years of age.....	813,953	828,115	1,642,068	728,948	864,116	1,593,064
Average number of weeks each school was taught by duly licensed teachers.....	40.5	33.5	35.7	40.7	32.8	35.1
Number of male teachers employed.....	618	7,374	7,992	613	6,816	7,429
Number of female teachers employed.....	6,538	16,500	23,038	5,724	16,861	22,585
Number of children attending school.....	428,451	603,142	1,031,593	443,553	613,696	1,057,249
Average daily attendance.....	253,351	314,738	568,089	226,960	394,855	621,815
Number of times schools have been visited by commissioners.....	162,339	18,815	181,154	142,752	18,031	160,783
Number of volumes in district libraries.....	83	573,314	573,397	.....	660,359	809,141
Number of school-houses, log.....	47	83	88	.....	90	90
Number of school-houses, frame.....	378	10,080	10,458	62	9,942	10,004
Number of school-houses, brick.....	9	948	957	864	901	1,765
Number of school-houses, stone.....	.....	404	413	10	429	439
Total number of school-houses.....	434	11,465	11,899	423	11,362	11,785

TABLE No. 7—(Continued).

FINANCIAL.

	1880.			1875.		
	Cities.	Towns.	Total.	Cities.	Towns.	Total.
RECEIPTS.						
Amount on hand at the beginning of the year.....						\$1,112,746 82
Apportionment of public moneys.....	\$659,183 12	\$319,842 17	\$978,525 29	\$846,638 26	\$287,060 47	2,500,945 12
Proceeds of the gospel and school lands.....	1,540,454 44	1,768,324 55	2,998,779 02	1,068,818 93	1,706,528 29	30,719 51
Raised by tax.....	1,953 14	32,863 45	34,816 59	40,51	86,798 80	8,124,127 97
Estimated value of teachers' board.....	4,641,409 07	2,284,562 57	6,925,971 64	5,127,220 57	2,084,897 40	218,640 13
From all other sources.....	115,101 25	122,771 87	237,873 12	.....	213,640 13	383,714 22
Total.....	\$6,686,111 02	\$4,732,777 14	\$11,390,888 16	\$7,241,494 93	\$5,430,859 05	\$12,672,353 97
EXPENDITURES.						
For teachers' wages.....	\$4,298,837 89	\$3,949,023 99	\$7,638,921 88	\$4,071,520 23	\$3,778,167 15	\$7,849,687 38
For libraries.....	13,910 63	16,497 28	30,398 51	14,984 70	18,241 11	33,225 81
For school apparatus.....	165,231 42	30,945 58	196,076 97	183,573 83	37,654 95	221,228 77
For colored schools.....	41,323 96	7,153 96	48,477 92	59,751 72	9,635 88	69,387 15
For school-houses, sites, etc.....	541,969 78	603,531 37	1,145,501 15	1,129,107 23	801,359 70	1,927,464 93
For all other incidental expenses.....	823,551 39	413,393 41	1,236,944 80	1,339,814 46	521,878 64	1,861,693 10
Forfeited in hands of supervisors.....	775,205 95	318,704 95	1,093,910 90	948,767 22	294,243 92	1,243,011 14
Amount on hand at the end of the year.....						
Total.....	\$6,686,111 02	\$4,732,777 14	\$11,390,888 16	\$7,241,494 93	\$5,430,859 05	\$12,672,353 97

TABLE No. 8.
Teachers' Institutes, 1880. Spring Institute.

COUNTIES.	Place of meeting.	Date of beginning.	Number of weeks.	TEACHERS IN ATTENDANCE.		AVERAGE DAILY ATTENDANCE.		AVERAGE TERMS TAUGHT BY TEACHERS.	
				Male.	Female.	Total.	Male.	Female.	Total.
Albany.....	Knobsville.....	Feb. 9.....	1	73	73	145	54	50	104
Broome.....	Binghamton.....	March 22.....	1	44	184	228	36	153	189
Cayuga.....	Meridian.....	April 13.....	1	28	110	138	14	79	93
Chemung.....	Horseheads.....	March 1.....	1	51	141	192	35	94	129
Chenango.....	Norwich.....	May 24.....	1	92	180	272	61	144	205
Clinton.....	Plattsburgh.....	March 29.....	1	63	188	251	53	163	215
Columbia.....	Ghent.....	June 7.....	1	50	111	161	38	72	110
Dutchess.....	Poughkeepsie.....	May 31.....	1	70	171	241	65	153	218
Erie.....	Springville.....	April 5.....	1	29	78	107	25	71	96
Essex.....	Elizabethtown.....	June 28.....	1	43	133	186	33	122	155
Genesee.....	Batavia.....	April 19.....	1	46	133	181	33	122	155
Jefferson.....	Adams.....	April 12.....	1	64	185	249	154	154	308
Kings.....	Morrisville.....	May 10.....	1	57	89	146	13	54	67
Madison.....	Utica.....	April 26.....	1	74	81	155	9	54	63
Onondaga.....	Syracuse.....	April 22.....	1	158	385	543	86	224	310
Ontario.....	Geneva.....	March 23.....	1	63	128	191	43	96	139
Oswego.....	Parish.....	April 26.....	1	60	173	233	46	142	188
Putnam.....	Coldspring.....	June 7.....	1	17	87	104	14	34	48
Queens.....	Jamaica.....	May 17.....	1	60	162	212	49	127	176
Rensselaer.....	Lansingburgh.....	March 23.....	1	53	145	198	88	102	180
Richmond.....	Stapleton.....	May 8.....	1	65	96	161	29	60	89
Rockland.....	Suffern.....	May 10.....	1	38	87	125	24	23	47
St. Lawrence.....	Heron.....	March 8.....	1	22	101	123	29	89	118
Saratoga.....	Saratoga Springs.....	April 19.....	1	41	179	220	22	144	176
Schuyler.....	Watkins.....	March 23.....	1	80	176	256	18	880	898
Seneca.....	Watkins.....	April 19.....	1	66	183	249	44	111	155
Suffolk.....	Waterloo.....	April 12.....	1	65	173	238	49	121	170
Wayne.....	Greenport.....	April 12.....	1	65	173	238	49	121	170
Westchester.....	Marion.....	May 17.....	1	55	175	230	45	148	193
Yates.....	Mount Kisco.....	April 17.....	1	55	187	242	45	148	193
Total.....	Penn Yan.....	April 19.....	1	1,681	4,175	5,856	1,190	3,256	4,446

TABLE No. 8—(Continued).
Teachers' Institutes, 1880. Fall Institute.

COUNTIES.	Place of meeting.	Date of beginning.	Number of weeks.	TEACHERS IN ATTENDANCE.			AVERAGE DAILY ATTENDANCE.			AVERAGE TERMS TAUGHT BY TEACHERS.		
				Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Total.
Albany	Berne	August 16...	1	11	86	187	50	171	124	820	3	1
Allegany	Angelica	August 16...	1	11	206	333	97	171	268	1,044	4	1
Broome	Binghamton	Oct. 4	1	61	153	214	55	100	155	775	4	1
Cattaraugus	Little Valley	Oct. 11	1	63	111	174	40	87	127	636	6	1
Cayuga	Moravia	Sept. 27	1	96	160	255	63	109	172	800	8	1
Chautauque	Chautauque Lake	July 6	6	55	189	224	31	115	146	875	4	1
Chemung	Horseheads	August 23	1	48	121	187	27	83	110	550	7	1
Chenango	Oxford	Oct. 18	1	105	99	204	67	63	130	650	9	1
Columbia	Ghent	Oct. 6	1	62	49	101	37	39	76	380	6	1
Cortland	Homer	Sept. 27	1	50	110	160	38	94	132	663	10	1
Delaware	Delhi	Sept. 13	1	182	197	389	88	126	214	1,070	4	1
Erie	Hamburg	Oct. 11	1	72	147	219	52	122	174	870	4	1
Franklin	Malone	August 23	1	81	119	150	20	89	109	548	9	1
Fulton	Johnstown	Oct. 4	1	62	117	179	38	77	115	575	11	1
Genesee	Batavia	Oct. 11	1	63	160	223	45	115	160	800	9	1
Greene	Greenville	Sept. 6	1	87	182	219	66	111	177	885	9	1
Herkimer	Herkimer	Nov. 23	1	72	138	210	45	94	139	695	8	1
Jefferson	Clayton	August 30	1	111	163	274	85	126	211	1,054	5	1
Lewis	Martinsburgh	Sept. 13	1	28	65	93	12	35	47	287	8	1
Livingston	Mount Morris	Oct. 18	1	53	109	162	24	63	87	435	9	1
Madison	Cazenovia	Sept. 20	1	74	124	198	38	95	133	668	6	1
Monroe	Spencerport	August 30	1	73	149	222	53	115	173	662	9	1
Montgomery	Fort Plain	Oct. 25	1	63	132	195	40	82	122	610	14	1
Niagara	Lockport	Sept. 13	1	67	140	207	47	95	142	718	9	1
Oneida	Rome	Oct. 11	1	120	183	303	73	124	195	973	8	1
Ontario	Fayetteville	Oct. 4	1	101	185	286	54	88	142	682	6	1
Orleans	Canandaigua	Sept. 27	1	70	159	229	46	103	149	746	6	1
Oswego	Middletown	August 23	1	41	112	153	24	67	91	456	8	1
Otsego	Albion	Sept. 27	1	71	168	239	38	99	137	684	6	1
Owego	Mexico	Oct. 4	1	101	208	309	77	147	224	1,120	3	1
Rensselaer	Copertown	Sept. 20	1	116	183	299	103	119	222	1,111	8	1
St. Lawrence	Wynantskill	August 23	1	57	123	180	30	75	105	555	11	1
	Gouverneur	Sept. 6	1	25	156	181	30	131	161	800	8	1
Saratoga	Balscon	Dec. 20	1	88	123	200	64	95	159	795	9	1

TABLE No. 8—(Continued).

COUNTRIES.	Place of meeting.	Date of beginning.	Number of weeks.	TEACHERS IN ATTENDANCE.			AVERAGE DAILY ATTENDANCE.			Aggregate days' attendance.	AVERAGE TERMS TAUGHT BY TEACHERS.	
				Male.	Female.	Total.	Male.	Female.	Total.		Male.	Female.
Schenectady	Schenectady	Sept. 6	1	29	49	78	14	33	48	223	10	11
Schoharie	Cobleskill	Oct. 25	1	136	149	284	86	99	185	223	7	8
Schuyler	Watkins	Oct. 11	1	50	87	137	29	69	98	140	8	9
Steuben	Avoca	Sept. 9	1	63	112	164	33	81	114	568	9	9
Sullivan	Liberty	Sept. 30	1	41	116	157	24	83	107	587	8	7
Tioga	Owego	August 16	1	56	194	250	43	183	226	1,080	6	6
Tompkins	Ithaca	Sept. 13	1	62	180	242	50	107	157	786	3	3
Ulster	Ellenville	Oct. 18	1	35	70	105	29	64	93	413	8	8
Warren	Warrensburgh	Sept. 30	1	83	105	187	24	81	105	505	8	10
Washington	Salem	August 30	1	82	220	302	60	144	204	1,066	9	4
Wayne	Rose	August 30	1	99	123	222	59	73	133	664	4	6
Wyoming	Warsaw	Oct. 20	1	67	138	205	41	89	130	650	4	5
Yates	Penn Yan	Sept. 23	1	48	70	118	23	28	51	323	4	4
Allegany and Cattaraugus Reserves	Versailles	Nov. 15	1	16	29	45	12	23	35	175	4	8
Total			.....	8,305	6,303	9,608	2,251	4,467	6,718	33,574	6	6

TABLE No. 9.
 STATISTICS of Attendance, from reports of Local Boards, for the year ending September 30, 1880.
 NORMAL SCHOOLS.

LOCATION.	Established.	Opened.	DEPARTMENTS.	ATTENDANCE DURING THE YEAR.				AVERAGE AGES.		GRADUATED 1880.			WHOLE NUMBER OF GRADUATES.		
				Pupils.	Total.	Average.	Total.	Male.	Female.	Male.	Female.	Total.	Male.	Female.	Total.
Albany....	1844	1844	Normal.....	508	.....	288	.....	21.6	19.2	34.	46	80	988	1,536	2,459
			Model.....	133	646	68	386	19	19	6	16	22	66	166	231
			Normal.....	836	.....	214	.....	.....	.....	.....	.....	.....	.....	.....	.....
Brookport	1866	1867	Academic.....	169	.....	69	.....	.....	.....	.....	.....	.....	.....	.....	.....
			Intermediate.....	172	.....	112	.....	.....	.....	.....	.....	.....	.....	.....	.....
			Primary.....	170	896	110	496	18.5	18	1	16	17	8	176	194
Buffalo.....	1867	1871	Normal.....	229	.....	166	.....	.....	.....	.....	.....	.....	.....	.....	.....
			Academic.....	5	.....	8	.....	.....	.....	.....	.....	.....	.....	.....	.....
			Primary.....	287	551	196	384	21	20	8	30	38	57	233	280
Cortland	1866	1869	Normal.....	449	.....	220	.....	.....	.....	.....	.....	.....	.....	.....	.....
			Academic.....	17	.....	7	.....	.....	.....	.....	.....	.....	.....	.....	.....
			Intermediate.....	180	.....	80	.....	.....	.....	.....	.....	.....	.....	.....	.....
Fredonia.....	1868	1868	Primary.....	197	783	159	466	19	19	1	19	20	20	944	264
			Normal.....	123	.....	100	.....	.....	.....	.....	.....	.....	.....	.....	.....
			Academic.....	66	.....	42	.....	.....	.....	.....	.....	.....	.....	.....	.....
Geneseo.....	1867	1871	Intermediate.....	184	.....	131	.....	.....	.....	.....	.....	.....	.....	.....	.....
			Primary.....	153	586	116	389	19	19.7	8	15	18	47	128	170
			Normal.....	394	.....	201	.....	.....	.....	.....	.....	.....	.....	.....	.....
Oswego.....	1863	1863	Academic.....	186	.....	68	.....	.....	.....	.....	.....	.....	.....	.....	.....
			Intermediate.....	181	.....	114	.....	.....	.....	.....	.....	.....	.....	.....	.....
			Primary.....	200	911	123	466	21	21	5	58	63	86	862	948
Potsdam.....	1866	1869	Normal.....	444	.....	251	.....	.....	.....	.....	.....	.....	.....	.....	.....
			Primary.....	883	897	249	500	19.5	20.2	6	7	12	53	123	196
			Academic.....	942	.....	180	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total.....	Total.....	Total.....	Academic.....	23	.....	23	.....	.....	.....	.....	.....	.....	.....	.....	.....
			Primary.....	184	554	149	353	.....	.....	.....	.....	.....	.....	.....	.....
			Total.....	5,738	.....	3,398	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total.....				64	207	271	1,259	3,433	4,722						

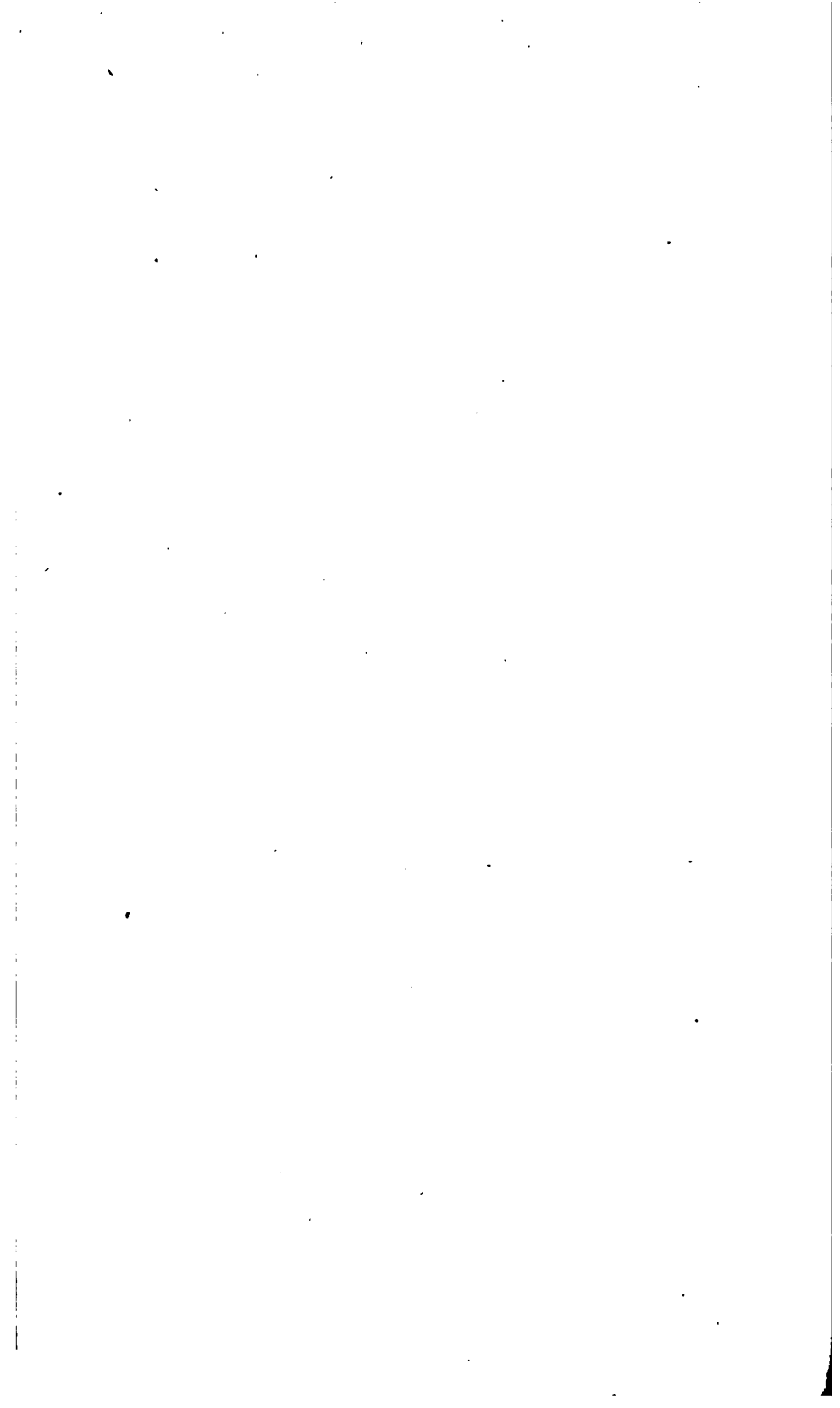
TABLE No. 9 — (Continued).
 FINANCIAL STATISTICS, from reports of Local Boards, for the year ending September 30, 1880.

SCHOOL.	VALUE OF SCHOOL PROPERTY.				MONEYS RECEIVED.				
	Lots and buildings.	Furniture.	Library and apparatus.	Total.	Balance with Local Board, Oct. 1, 1879.	From the State.	From academic, intermediate and primary tuition.	From other sources.	Total.
Albany.....	\$75,000	\$4,000	\$6,500	\$85,500	\$157 59	\$20,506 77	\$1,310 00	\$7 10	\$21,931 46
Brockport.....	125,000	5,000	10,000	140,000	689 18	17,154 17	1,891 00	21 60	19,755 95
Buffalo.....	100,000	7,067	7,847	114,914	405 29	17,538 81	75 00	...	18,079 10
Cortland.....	98,750	6,500	8,296	108,546	1,767 00	22,626 78	88 00	...	25,479 78
Fredonia.....	97,000	5,500	7,883	109,883	.....	18,005 59	175 76	8 30	18,189 74
Geneseo.....	108,000	5,800	7,900	119,700	808 96	18,050 55	1,638 90	.....	20,042 43
Oswego.....	80,000	7,000	11,000	98,000	8,414 74	34,339 47	.....	254 09	43,008 30
Poleadam.....	100,440	5,578	8,652	114,650	401 02	17,871 87	391 00	104 43	18,768 31
Total.....	\$777,190	\$46,445	\$67,528	\$891,163	\$12,143 78	\$167,154 02	\$5,611 66	\$385 60	\$186,305 08

TABLE No. 9 — (Continued).

SCHOOL.	MONEYS PAID.						Total.
	For normal instruc- tion.	For academic, inter- mediate and pri- mary instruction.	For library and ap- paratus.	For repairs of build- ings and improve- ment of grounds.	Other expenses.	Balance Sept. 30, 1880.	
Albany.....	\$14,833 00	\$1,300 00	\$455 21	\$2,213 52	\$3,239 27	\$6 46	\$21,981 46
Brockport.....	14,600 00	1,850 00	848 89	367 13	1,438 15	751 78	19,755 95
Buffalo.....	14,625 00	150 00	899 20	683 29	2,005 57	316 04	18,079 10
Cortland.....	11,500 00	2,800 00	908 97	5,064 17	8,576 29	1,546 35	26,479 78
Fredonia.....	10,000 00	4,900 00	325 91	965 41	1,890 89	117 53	18,189 74
Genesee.....	10,295 00	3,500 00	555 11	1,171 88	*4,230 02	290 41	20,042 43
Oswego.....	13,305 00	.....	114 07	24,625 64	4,963 59	.....	43,008 30
Potsdam.....	11,440 00	2,700 00	565 74	1,412 17	2,635 49	14 91	18,768 31
Total.....	\$99,898 00	\$17,100 00	\$4,737 10	\$36,503 21	\$23,999 27	\$3,097 48	\$185,305 06

* Includes loss of \$176.08.



(A.

CHAMBER OF COMMERCE OF THE STATE OF NEW YORK.

NEW YORK, *December 4, 1880.*

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—Pursuant to the instructions of the Chamber of Commerce, I herewith inclose to you a copy of the report of the annual examination of the Nautical School of the Port of New York, on the school-ship "St. Mary's," on the 13th of October last, by the Council appointed by the Chamber.

I have the honor to be, with great respect, your obedient servant,
GEORGE WILSON,

Secretary.

ANNUAL EXAMINATION OF THE NAUTICAL SCHOOL OF THE PORT OF
NEW YORK.

REPORT OF COUNCIL.

To the Chamber of Commerce :

The Council of the Nautical School of the Port of New York respectfully beg to submit the following report :

The annual examination was held on Wednesday, the 13th of October, and your Council were assisted in the work by Captains E. Spicer, Jr., J. H. Winchester and M. P. Smith, who kindly consented, at the request of the Council, to serve as the Committee of Experts. Their report, which is printed in connection with the report of your Council, will show in detail the method of conducting the examination and inspection, which does not differ materially from that followed in the previous years. Your Council were as usual satisfied with the condition of the ship, and with the neatness, order and discipline maintained. The health of the boys has been very good, as is shown by the report of Surgeon J. W. Ross, which is appended hereto.

During the year there has been under instruction a monthly average of 105 boys. The graduating class this year numbers 46. Of these, 20 have either gone to sea, or obtained employment on vessels soon to leave, and the rest are in a fair way of being provided for.

The concluding exercises this year were attended by many ladies and gentlemen, and addresses were made by President Walker, of

the Board of Education, Mr. Jackson S. Schultz, Gen. Alexander Webb, ex-Mayor Hunter, of Brooklyn, and others.

Prizes were presented on behalf of the Chamber of Commerce by Mr. George W. Lane, Vice-President, and the recipients were as follows: Charles Filley, silver medal; John V. Fann, bronze medal; Alfred Decker, second bronze medal.

Mr. Charles H. Marshall presented, on behalf of the Board of Education, a marine glass to William N. Milner, for excellence in seamanship; and, on behalf of School Commissioner Henry E. Pel-
lew, the following money prizes: \$10 to John B. Price, for general excellence; \$10 to Charles Filley, for the best journal of the cruise; \$5 to Francis H. Hammond, for neatness.

To Theodore W. Osterheld, a copy of Luce's work on Seamanship was given by the officers of the ship, for general excellence and scholarship.

To Mortimer H. Rogers, a copy of Bowditch's Navigator was awarded (the gift of Mr. George W. Blunt) by the unanimous vote of the class, who were in this way permitted to express their choice of the most popular member.

There has been no change in the command of the "St. Mary's" since the last report. The list is as follows:

Commander Henry Erben, U. S. N., Superintendent; Lieutenant John J. Hunker, Executive Officer; Lieut. Arthur P. Osborn and Lieut. George A. Norris, Instructors; John W. Ross, Surgeon.

To these gentlemen great credit is due for their energy and untiring pains in maintaining the high character of the school, and in preparing the scholars for the nautical profession.

It may be interesting to refer briefly to the annual cruise of the ship, which took place during the past summer. The "St. Mary's" left New York on the 12th of May, visited Glen Cove and New London, and thence proceeded to Lisbon, Cadiz and Madeira, returning to New York by the way of Newport on the 11th of October, after a voyage of nearly 8,000 miles.

During the cruise the boys were instructed in every branch of their profession, and were made familiar with practical work on shipboard, particularly sail-making and rigging. Their appearance and deportment attracted general attention, and they were everywhere regarded as favorable specimens of young American sailors.

The usefulness of the school can be best shown by the fact, that there are at this time over forty graduates who are now officers of ships. The Council trust that this work of educating young men for the mercantile marine may not only be continued but enlarged.

All of which is respectfully submitted.

(Signed)

CHARLES H. MARSHALL, *Chairman*,
THOMAS P. BALL,
JOHN S. BARNES,

Council of the Nautical School.

NEW YORK, November 30, 1880.

REPORT OF THE COMMITTEE OF EXPERTS.

To the Council of the Nautical School of the Port of New York :

GENTLEMEN.—Having, at your request, examined the school-ship “St. Mary’s,” on the 13th inst., your committee beg to state, that the vessel is well adapted for the purpose of a “school-ship,” especially in having good, roomy decks and quarters. Particular attention appears to be given to ventilation and cleanliness, and the sanitary conditions are all that could be desired.

The health of the boys seems excellent, owing in large part no doubt to the life on shipboard. The discipline is highly to be commended, and a good understanding appears to exist between the officers and boys, for which the former are deserving of great credit.

The examination of the lads in navigation showed that they understood thoroughly the different methods of obtaining the latitude and longitude, and the variations of the compass, and were acquainted, not alone with the theory, but with the practical details also.

Their further examination in the various departments of seamanship, such as splicing, knotting, etc. (work usually required to be done on shipboard), showed them to be quite proficient, and would do credit to much older and more experienced sailors; also in making and repairing sails, the result was very satisfactory, and some individual specimens were exceptionally good.

They were exercised by their officers in making and taking in sail, which was done in a very seamanlike and expeditious manner.

In conclusion, your committee beg to say, that they were very much pleased with the ability displayed by the boys in all departments; and they congratulate the Commander, Captain Erben, and his officers on the efficient state of their ship throughout. They feel that the city of New York is doing a good work in this enterprise, and only wish there were more “St. Mary’s.”

Yours very respectfully,

(Signed)

October 15th, 1880.

E. SPICER, JR.,

J. H. WINCHESTER,

M. P. SMITH.

TO CHARLES H. MARSHALL, *Chairman,* }
JOHN S. BARNES, } *Council.*
THOS. P. BALL, }

REPORT OF SURGEON.

NEW YORK NAUTICAL SCHOOL-SHIP “ST. MARY’S,” }
NEW YORK CITY, Dec. 1, 1880. }

SIR.—The excellent sanitary condition of this vessel, set forth in my report of December 1, 1879, has been maintained up to the present time.

During the last spring and summer an epidemic of mumps prevailed among the boys. There were forty-one cases, all terminating in entire recovery. It is somewhat singular that the first case made its appearance at sea, more than three weeks after our departure from New London, in a boy who did not remember having undergone any exposure to the disease for several months prior to his attack.

The daily average number of persons on board for the past twelve months has been one hundred and forty-four.

I would call attention to the remarkable fact that during the six years the *St. Mary's* has been on her present duty, not a single death, either from disease or accident, has occurred among her inmates. Than this, no more satisfactory evidence could be desired that she is a healthy and lucky ship.

I have the honor to be,

Very respectfully yours,

(Signed)

J. W. ROSS,

P. A. Surgeon, U. S. N.

Captain HENRY ERBEN, U. S. N.,

Commanding "St. Mary's."

(B.)

CIRCULAR RELATING TO STATE CERTIFICATES, AND REPORTS OF THE EXAMINING COMMITTEES.

STATE OF NEW YORK:

DEPARTMENT OF PUBLIC INSTRUCTION, }
SUPERINTENDENT'S OFFICE, }
ALBANY, *May 1, 1880.* }

To School Commissioners and City Superintendents of Schools:

In pursuance of section 5, chapter 567, Laws of 1875, I have ordered that examinations of applicants for State certificates be held, commencing on Tuesday, the 27th day of July, 1880, at 2 o'clock, p. m., at the High School buildings in Albany, Binghamton, Brooklyn, Buffalo, Elmira, Plattsburgh, Syracuse and Watertown.

Competent persons will be present to conduct the examinations, the results of which will be reported to me, and such of the candidates as have given satisfactory evidence of their learning, ability and good character, will receive certificates qualifying them to teach in any of the public schools of the State without further examination.

Candidates must be present at the beginning of the examination, produce testimonials of character, and must have had at least three

years' experience as teachers. They must pass a thorough examination in the following named branches: Reading, spelling, writing, grammar and analysis, composition, geography, outlines of American history, arithmetic, elementary algebra and plane geometry.* They will also be expected to have a general knowledge of book-keeping, rhetoric, the natural sciences, linear and perspective drawing, general history, general literature, methods, school economy, civil government and school law.

The examinations will be open to candidates residing in any part of the State.

You will please notify such of the teachers under your jurisdiction as you may think would like to apply for State certificates, of the time and places of these examinations, and I will thank you to send, or cause to be sent to me, as early as possible, the names of persons who intend to be present thereat, and at what places.

Your obedient servant,

NEIL GILMOUR,

Superintendent.

ALBANY, N. Y., August 3, 1880.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR. — The committee appointed to conduct the examinations in Albany, for State certificates, would respectfully report:

The examinations were held in the High School building on July 27, 28 and 29. Six candidates presented themselves for examination, and after carefully inspecting their work, and noting results, we are unanimous in recommending the following as deserving a State certificate, viz.: E. E. Ashley, Waterford; U. H. Brown, Red Hook.

Very respectfully yours,

J. L. BOTHWELL,
CHAS. W. COLE.

BINGHAMTON, N. Y., July 29, 1880.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR. — In accordance with your directions, we were present at the High School building, Binghamton, on Tuesday, July 27, at 2 o'clock, P. M., for the purpose of conducting an examination for State certificates.

Four candidates presented themselves, but one left upon learning of the general scope of the examination. The three that remained

* In place of geometry, candidates may offer themselves, if they choose, for examination in Latin, as far as three books of Caesar.

passed a very creditable examination in the technical subjects taught in the common schools, but in regard to general and professional subjects two of them were very weak. Only one passed the whole examination successfully, and we would recommend that a certificate be issued to Charles Willard Wasson, of Portville, Cattaraugus county, N. Y.

He passed above the required standard in all the branches, and he showed a familiarity with educational principles in the highest degree creditable to him. He is a graduate of Cornell University, and has had some six or eight years' successful practice as a teacher. He is the man who so successfully presented the matter of industrial education at our association at Canandaigua.

Truly yours,

JAMES JOHONNOT,
GEO. L. FARNHAM.

BROOKLYN, N. Y., *July 31, 1880.*

HON. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—We, the undersigned committee appointed by you to conduct the examination of candidates for State certificates, held in the city of Brooklyn, July 27, 28, 29, and 30, 1880, would respectfully report:

Eleven candidates appeared for examination.

We recommend that certificates be issued to the following persons, they having satisfied us that they possessed the requisite literary qualifications, and have had at least three years' successful experience in teaching: Alonzo J. Wilson, Mamaroneck, N. Y.; Eugene Porter, Ghent, N. Y., and Robert P. Webb, No. 41 Butler street, Brooklyn.

Isaac Hamburger, of East New York, has passed successfully the literary acquirements.

We recommend that he be notified officially of the fact, and that he be granted a certificate without further examination when he can present evidence of two and one-half years' successful experience in teaching obtained after this date. We recommend generally that the standard of State examinations be no less severe than the present, and that certificates be restricted in all cases to those who have had three years' experience in teaching.

We deem it of the utmost importance that a State certificate should continue to be an evidence of superior qualifications.

Very respectfully,

JOHN KENNEDY,
THOS. W. FIELD.

BUFFALO, N. Y., *July 29, 1880.*

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—The undersigned, appointed by you to aid in conducting the examination of applicants for State certificates as teachers, at Buffalo, beginning July 27, 1880, respectfully presents the following report :

The examination began in the High School building in the city of Buffalo on the day above named, as appointed, and as no other examiner appeared, was conducted by myself alone.

Three persons entered the examination, of whom two were successful, namely: Edson J. Quigley and Clarkson A. Hall, both of Gainesville, Wyoming county, N. Y.

I take great pleasure in recommending them as fully qualified to receive State certificates at your hands.

Respectfully submitted,

R. E. POST,

*Examining Committee.*ELMIRA, N. Y., *August 3, 1880.*

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—By your direction, the undersigned held an examination for State certificates in the city of Elmira, on Tuesday, Wednesday and Thursday, July 27, 28 and 29, 1880.

Of the five persons who entered and passed through the entire examination two were successful in reaching the required standard of excellence, viz.:

Miss Gertrude Miller, of Penn Yan, Yates Co., N. Y.

Mr. Abial B. Davis, of North Cohocton, Steuben Co., N. Y.

Having found them qualified, not only as to literary and scientific attainments, but also as to age, moral character and successful experience, we recommend them as suitable persons to receive State certificates.

Yours respectfully,

FRANCIS P. LANTRY,

M. M. MERRELL,

*Examiners.*PLATTSBURGH, N. Y., *July 29, 1880.*

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—We have the honor to report, that, at the examination held at Plattsburgh, two persons appeared, one of whom failed, and the other was successful.

We recommend that the successful competitor, Miss Kate B. Emerson, receive a certificate from the Department of Public Instruction. Her address is at Cadyville, Clinton county, N. Y.

Respectfully,

C. T. BARNES,
JOHN E. MYER,

Committee.

SYRACUSE, N. Y., July 28, 1880.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR. — We, the undersigned examiners of candidates for State certificates in this city, have the honor to report :

Ten applicants presented themselves for examination at the High School building, July 27th, of whom six passed a very creditable examination indeed, and are hereby recommended as well worthy to receive State certificates to teach common schools in this State.

The following is a list of their names, with post-office address :

Arthur B. Rider, Hastings.

Arthur C. Sheldon, Delphi, Onondaga Co.

Milo C. Sharp, Liverpool, Onondaga Co.

Fred. V. Lester, East Venice.

Augustus S. Downing, Palmyra.

Vincent A. Crandall, East Syracuse.

Respectfully submitted,

CHAS. T. POOLER,
EDWARD SMITH.

WATERTOWN, N. Y., July 29, 1880.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR. — The committee appointed by you to hold an examination for State certificates, at Watertown, N. Y., commencing July 27, 1880, beg leave to report as follows :

Such examination was held at time and place mentioned ; that six candidates appeared for such examination, and of that number the following named persons, being well recommended in regard to moral character, and having had more than three years' experience in teaching, and having answered a sufficient percentage of all the questions proposed at said examination, are entitled to receive from you a State certificate, they having conformed to all the requirements of the law.

The following named persons are entitled to certificates at your hand :

Albert B. Watkins, Adams, Jefferson Co., N. Y.

Mary M. Mitchell, Adams, Jefferson Co., N. Y.

George E. Satchwell, Thousand Island Park, Jefferson Co., N. Y.

The committee also desire to report that Fred A. Baldwin, of Watertown, Jefferson county, attended said examination at Watertown, commencing July 27, and that he passed an excellent examination, but lacks the experience required by law, having taught less than three years. Your committee desire to recommend him to your consideration, and ask that after he has taught another year successfully, as reported by the school commissioner of the district in which he teaches, that he may receive a State certificate without further examination.

HENRY C. NORTHAM,
FRED SEYMOUR,

Examining Committee.

(C.)

REPORT OF THE PRINCIPAL OF THE NEW YORK INSTITUTION FOR THE INSTRUCTION OF THE DEAF AND DUMB.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—In accordance with your request, I do myself the honor to report that, of the State pupils selected by you under the laws of the State to be instructed in this institution, the number in attendance within the year ending September 30, 1880, was 291. In addition to this number, were supported by the counties, of pupils under twelve years of age, 171; by the State of New Jersey, 81, and by their friends, 10; making a total of 553.

The average number of pupils supported by the State was 276, at an average cost to the institution of \$249.97, reimbursed by the State by an appropriation of \$250 each. The State appropriation for the year commencing October 1, 1880, which will be \$225 per pupil, will be entirely inadequate, and must be supplemented from other sources. It is to be hoped that the next Legislature will restore the *pro rata* to \$250 as the amount which experience has shown to be absolutely necessary for the proper education and maintenance of each pupil.

The pupils are taught in 28 classes by 16 teachers, 12 of the teachers working double the usual number of hours, teaching two

classes, and four, one class each. There are, also, two special teachers — one of articulation, and the other of drawing, painting and designing — making with the principal, an actual force of 19, and an effective force of 30 teachers:

The system of instruction pursued is Eclectic, the result of sixty-three years of study and observation. The primary object is to give to the pupil, dumb because he is deaf, an available knowledge of the English language, so that he may attach full signification to written words as employed in communication, conversation and argument, and may use these words forcibly and correctly in the expression of his own ideas. The best method of accomplishing this great achievement has long engaged the attention of men of learning and philosophic acumen, but, it is believed, that nowhere have the principles involved been made the subject of more thorough investigation, or of more successful application than among the very able teachers who have been connected with this institution.

The difference of opinion existing between the representatives of the two opposing systems, through which was originally sought the restoration of the toto-congenital deaf-mute to intercourse with society, and to communion with the master spirits whose thoughts have been embodied in visible form and preserved through the medium of books — at one time radical — has been so harmonized through the developments made in this and other institutions, that the question is no longer one of philosophy but of intermediaries.

There was a time when it was thought by one class of teachers that by the simple adaptation to the interpretation of words of the language of gestures, which is the spontaneous outgrowth of the deaf-mute's natural mode of thought, the problem would be solved; and by another class of teachers, that there was something inherent in speech, which, by some mysterious influence, carried mental development with it, and that, therefore, it was, above all things, important that the pupil should be trained in its exercise, losing sight of the fact that it is not the want of speech but of hearing that constitutes the difficulty to be overcome.

It is now understood that the deaf-mute is to be brought to a knowledge of language by successive steps, which, beginning with the names of objects and the expression, in connected phraseology, of acts performed, enable him, from the first, to attach words directly to thought and to employ essentially the same mental processes as do those more fortunate, who obtain their knowledge of language through the ear.

The teacher who employs manual signs no longer relies on these to establish forms of construction, or the proper order of the sentence. He regards them simply as convenient substitutes for words to be used in precisely the same way, or in the same order, with the added advantage of being in themselves significant, or as an equivalent for the general idea conveyed by a sentence, and when used by the pupil, a test of his comprehension.

In fact, most of his work, so far as the development of language is concerned, is done without them, and he confines himself, to a great extent, to writing, or to the manual alphabet, which is practically only another form of writing.

On the other hand, the teacher who makes articulation, and its counterpart, lip-reading, his intermediary, if successful in giving his pupils a mastery of language, has to resort to the same process of gradually developing the connection of words in the expression of thought.

The question at issue then is not between signs and articulation as types of differing systems, for whichever be used, the system of instruction must be identical, but as to which best subserves the purpose of enabling the mind to carry the forms of words, and to appropriate them to itself as something distinct from a mere image reflected from the written or printed page. In the one, we have manual speech, in the other labial. In the case of the deaf-mute, both address themselves to the eye — neither to the ear.

The one is enlarged, graphic, distinct, admitting of expression and emphasis. The other is contracted, vague, uncertain. To master the one, scarcely any effort is necessary. To master the other requires time, patience and labor.

In the one case the instrument is not thought of — the work to be accomplished absorbs the attention. In the other, the mind is divided between difficulties.

It would seem, therefore, that effectual progress in language must be far more rapid in the one case than in the other. Still it must be acknowledged to be a great blessing to the deaf-mute to be enabled to speak and to gather from a view of the lips of others the evanescent words which make such an impression upon the hearing ear, and it is a sense of the importance of this which induces the teachers of the articulation schools to make such sacrifices in the direction of progress.

Granting for the sake of argument that all, or even a majority of deaf-mutes, can be taught articulation so thoroughly as to be an available means of intercourse with hearing persons — a concession which, if my experience justified it, I should only be too happy to make — it yet remains to consider whether, after all, the advantages of both classes of intermediaries cannot be combined so as to secure all that is to be secured in behalf of the toto-congenitally deaf.

The practice of this institution is to teach in classes, by themselves, those who learned to speak in greater or less degree before they became deaf, or who, by reason of a partial hearing, have already a partial speech, and not only to cultivate by systematic methods precision and correctness of articulation and the ability to read on the lips, but to give to speech and lip-reading the same place in mental development that is done in those schools which practice what is called teaching by articulation.

In the case of other pupils, articulation is taught separately as a means of expression. The syllable is taken as the basis. All the

permutations which the several consonants, properly classed, can make with a single vowel-sound, are dwelt upon till the pupil is able to repeat the syllables thus formed and to recognize them when repeated by others.

Other vowels follow, and daily practice in time gives to many the ability to speak the new syllables and to distinguish them from those formed with other vowels. Of course these syllables, if not in themselves distinctive words, are combined so as to form such words, and the pupil becomes able to pronounce written words, and himself to write the words which he has become able to decipher by simply regarding the face of his instructor.

In going through this long course of special drill, he has taken all the time necessary to acquire the most effective control, to him possible, of this new instrument of expression. He has meanwhile been learning, without its intervention, to write intelligibly and to read intelligently. Now he can avail himself of it to good purpose, whereas its premature employment would have proved but a stumbling-block in the way of his progress. And if, as is so often the case, his efforts to acquire the gift of speech have proved unavailing, he has not sacrificed substance to shadow, but has found in his ability to read and to write, silently though it be, a sure and unfailing resource.

On this subject my views have been strengthened by a visit during the last summer, to European schools, and by participation in the debates of the International Congress of teachers of the deaf and dumb, held in Milan, Italy, in September. This Congress, though largely composed of individuals whose practice differed from that which obtains in a majority of the institutions on this side of the water, gave expression to opinions from which could be inferred the substantial unanimity as to principles of instruction entertained by the most advanced thinkers, while the arguments presented in regard to articulation and lip-reading *proved* nothing more than that these were desirable acquisitions for deaf-mutes.

It seems hardly necessary to repeat what has been so often set forth in previous communications, that our course of study secures, in addition to the development of the mental powers and of a knowledge of the English language, a thorough acquaintance with the various branches included in common-school instruction, and that the course pursued by our high class is substantially the same as that adopted in the higher academies of the State.

In addition to the school-room exercises, a daily lecture of an hour has been given through signs, for the purpose of increasing the knowledge of the pupils, on the following subjects: Zoölogy, botany, physics, geography, history, and the relations of the citizen to the municipal, State and general governments, and semi-weekly exhibitions of our large stereopticon have laid under contribution, for the instruction and delectation of the pupils, the treasures gathered from every land by the intervention of photography.

In the department of art, the progress during the year has been gratifying, and there has been increasing evidence of the great benefit to be derived by the deaf from the training of eye, hand and taste thus secured.

The mechanic arts have shared with the school the attention of the older pupils. Cabinet-making, carpentering, painting and glazing, shoemaking, tailoring, printing and horticulture have been practiced with a degree of success that warrants the belief that all will find in them a means of livelihood when their term of school expires. In printing especially, many of them have become quite expert. A weekly paper, especially devoted to the interests of the deaf, is issued from the institution press, and largely patronized by the deaf-mutes of this State and the Union. The annual reports of the institution are now printed here, and much other work is supplied by outside parties, which gives variety to the practice by which these embryo members of a most useful craft are becoming perfected in its details.

The health of the pupils has been excellent, a result to be attributed to the wise and intelligent sanitary regulations and supervision of our able resident physician, Dr. William Porter, who is also superintendent of the administrative department as distinguished from the educational.

The institution has, however, suffered great loss during the year, by the deaths of Prof. Jacob Van Nostrand, a man of learning and ability, who had been engaged in the instruction of the deaf for forty-one years, and of the distinguished clergyman and philanthropist, Rev. William Adams, D. D., who for thirty-eight years had been a member, and for the last nine years, the president of the board of directors.

In all other respects the year has been fraught with blessings.

The intelligent interest you have taken in this institution and its work, and the official attention you have given thereunto, will, I trust, be regarded as a sufficient excuse for the extended remarks herein submitted on the subject of principles and methods, which now, more than ever before, are attracting the notice of educators throughout the world.

Very respectfully, your obedient servant,

ISAAC LEWIS PEET,
Principal.

NEW YORK, *December 31, 1880.*

(D.)

REPORT OF THE PRINCIPAL OF THE NEW YORK INSTITUTION FOR THE IMPROVED INSTRUCTION OF DEAF-MUTES.

Hon. NEIL GILMORE,

Superintendent of Public Instruction :

SIR. — In compliance with your request to send the usual state-

ment of facts concerning this institution, for use in the preparation of your next report to the Legislature, the following is respectfully submitted :

We now have one hundred and nineteen pupils. Fifty-eight of these are State pupils, and the rest are supported either by the counties from which they come, or by their parents.

As stated in previous reports, the system of instruction employed in this institution is what is known as the method of articulation and lip-reading, or the oral method.

The school is now divided into eleven classes. Class "K," which is the lowest in the institution, has eleven pupils, all of whom entered at the beginning of the present school year, and have therefore been under instruction three months. The work in this class consists chiefly in training the voices of these little mutes and teaching them to articulate the elementary sounds of speech, separately, as well as in combination of syllables and words. They are also taught to write and spell all the words which they are able to pronounce.

Classes "J" and "I" are one grade higher than the foregoing, and have each ten pupils, who are now spending their second year in school. These children can articulate single words and short simple sentences with fluency and accuracy. The principal task which they have to perform during the current term is to learn to understand the rudiments of language. They are also expected to advance far enough in arithmetic to be able to perform mentally all the four fundamental operations with small numbers.

Class "H" has thirteen pupils. They are drilled in the proper use of such conversational and colloquial language as they require in their common intercourse with speaking persons. They are using the Second Reader of Appleton's New Series of School Readers, and receive grammatical instruction on the singular and plural number of nouns and pronouns, and the tenses and voice of verbs. In mental arithmetic they learn to add, subtract, multiply and divide somewhat larger numbers than the preceding class.

Class "G" has eleven pupils. The programme for this class comprises object lessons, conversation, arithmetic, reading, composition and grammatical exercises with regard to number and gender of nouns and pronouns, comparison of adjectives and conjugation of verbs. Instruction is also given in penmanship, and the elements of free-hand drawing from copies.

Class "F," with twelve scholars, has essentially the same exercises as Class "G." In addition, however, they study Guyot's Elementary Geography, in which they have finished the New England States.

Class "E" numbers twelve pupils. They also use Guyot's Elementary Geography, and have almost completed the United States. In history they have studied about the discovery of America and the early settlements of the colonies. In arithmetic they are now learning common fractions. Swinton's "Language Lessons" and

Monteith's "Lessons in Popular Science" were introduced in this class at the beginning of the school year, and both these little school books have so far proved very appropriate and useful. Several hours each week are devoted to writing compositions on easy topics, and on two afternoons in the week lessons are given in drawing from copies as well as from natural objects.

Class "D" has thirteen members. They have just completed the geography of South America and the history of the American Revolution. In arithmetic they thoroughly understand common fractions, and the tables of long, dry and liquid measure, also the tables of time and weight. They are exercised in writing letters and other simple compositions, and study Swinton's "Language Lessons" and Monteith's "Lessons in Popular Science." The drawing lessons in this class are similar to those given to class "E."

In class "C" there are twelve pupils. They are now studying the analysis of sentences in Swinton's "Elementary Grammar," and have just completed Monteith's "Youth's History of the United States." Their arithmetic lessons are on the division of decimal fractions. The text-book used in geography is the "Intermediate" of Guyot's series, and the rest of the programme is analogous to the one in use in the class immediately below this. Two of the pupils of this grade have entered the free evening school of the Cooper Union, attending the classes in drawing and modeling in clay.

Class "B" consists of nine pupils, who are studying Kerl's "Common School Grammar," Peter Parley's "Universal History," Guyot's "Intermediate Geography" and Cooley's "Natural Philosophy." In arithmetic they have reached percentage and interest. They have a good command of language and are able to write compositions on ordinary topics free from errors of grammar or idiom. Three of the boys of this class have been studying art in the evening school of the Cooper Union.

Class "A," the highest in the institution, has at present six members. Four of them are able to use written and spoken language as fluently and accurately as hearing and speaking persons of their age. The other two also speak and write tolerably well. They are studying Swinton's "English Grammar," Anderson's "History of England," Guyot's "Common School Geography," Hooker's "Natural History," Quackenbos's "Natural Philosophy," Hunter's "Plane Geometry," and Duff's "Book-keeping in Double Entry." During the past school year, instruction was also given to this class in the German language, and the results obtained were very satisfactory. Owing to the limited means at our command we are not able to employ a special teacher for this branch of study during the present school year, and it therefore had to be discontinued to the great regret of the pupils and their parents. Three of the members of this class have been attending the art school, and one is now pursuing the regular course in geometry at Cooper Institute.

From the foregoing synopsis it may be seen that our pupils study all the branches which are taught in the common schools. Though our system of instruction is yet inchoate and tentative, the standard

which is obtained in general knowledge is fully as high as that which is reached by the students of deaf-mute institutions that have been thoroughly well organized upon the practical experience of generations of teachers.

While every possible effort is made to develop and perfect the mode of educating our pupils, the greatest regard is also paid to their physical welfare. Our houses are spacious and well-ventilated, the food is the best and most wholesome that the market affords, and the opportunities for recreation and out-of-door exercise are ample and frequent. In consequence hereof the general health of our inmates is excellent. While a few cases of slight ailments occurred during the last year, the only serious case of illness on record for that period was one of malarial fever, which, however, yielded promptly to the proper attendance of our resident physician.

Until October 1, 1878, the *per capita* allowance for the support of State pupils in this institution was \$300 per annum. This amount has since been gradually reduced to the sum of \$225. Our accounts show that the average cost of maintenance of each pupil during the last year was over \$270. We have been practicing the strictest economy in all our departments, and could not possibly reduce our expenses any further. In view of this we respectfully request you to recommend that an adequate amount be appropriated by the Legislature for the coming fiscal year.

I beg leave to call to your attention that our State pupils being appointed from the dates on which they become twelve years old, their terms of education frequently expire in the middle of the school year, when they feel loth to leave without being able to complete the course adopted for that year. The institution also loses considerably thereby, because we can admit new pupils only once a year, namely, at the beginning of the term, in order to obtain a proper classification. Thus vacancies occurring in the middle of the school term have to remain unfilled for some length of time. It would, therefore, be very desirable if the appointments of such State pupils could be regularly extended until the first day of September following the date of the expiration of their certificates.

According to section 9, chapter 213 of the Laws of 1875, a deaf-mute cannot be appointed as a State pupil, unless his parents have been residents of the State for the three years preceding the application. The object of this restriction was evidently to prevent that the poor of neighboring States should be attracted hither by our public charities. There is, however, no State in the Union that does not amply provide for all its deaf-mutes. This clause, therefore, excludes from our institution children whose parents have been compelled to move into this State by circumstances over which they have no control. It does not seem just that such deaf-mutes, especially if they are over twelve years of age, should lose three school years. I respectfully recommend this subject to your kind consideration.

Your obedient servant,

D. GREENBERGER,

Principal.

NEW YORK, Dec. 2, 1880.

(E.)

REPORT OF THE PRINCIPAL OF THE CENTRAL NEW YORK INSTITUTION FOR DEAF-MUTES.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—According to request, the annual statement of the Central New York Institution for Deaf-Mutes for the year ending September 30, 1880, is respectfully submitted.

The whole number of pupils connected with the institution, during the year, was 168, the average number present being 150. During the year, sixteen ceased their connection with the institution for various causes, as follows: Eight were returned to their parents; one was killed by accident; one was transferred to the Buffalo institution; four removed out of the State, and two left on account of the time allowed them by the State having expired. So we have connected with the institution, September 30, 1880, 152 pupils — ninety-one males and sixty-one females.

The remaining statistics of the institution are: Nine teachers, two supervisors, one matron, three assistant matrons, one sewing matron, a housekeeper, and a nurse, besides the necessary quota of servants.

The institution has passed a healthy year, there being no deaths among the pupils due to disease.

The carpenter shop has been a veritable "*multum in parvo*," and the skill evinced by its boys in the use of tools is visible in all parts of those of our buildings that need repair and improvement. The shoe shop has turned out satisfactory work, and we hope before many years to utilize our frame school building for a series of shops, of which the above mentioned are the nucleus.

The two story brick building finished and occupied by the primary department at the date of the last report, enabled the institution to dispense with only one of its cluster of hired buildings. These and the new building constituted the accommodations of the school through the year. In July, work was commenced upon a second brick building, planned after the same model, generally, as the first one erected, but of a larger size. It is expected to be ready for occupancy by September 1, 1881. This will furnish room for the present pupilage, but if the institution is to complete its growth, a third building will be necessary.

The institution has not escaped its share of embarrassment growing out of the consecutive reductions of the per capita appropriation of the State for the support and education of pupils. We hopefully join in the expressed wish of all the friends of the deaf, that the tendency of appropriations will hereafter be adequately upward.

Very respectfully yours,

EDWARD BEVERLY NELSON,

ROME, N. Y., December 6, 1880.

Principal.

(F.)

REPORT OF THE PRINCIPAL OF THE WESTERN NEW YORK INSTITUTION FOR DEAF-MUTES.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—In submitting this, my fifth report, in accordance with the requirements of your Department, I cannot announce that “we have enjoyed a year of uninterrupted prosperity.” After four years of unusual health among our pupils, we have at length had a severe experience of sickness. Within the past six months of school we have three times been visited by contagious diseases, which became epidemic, although each case, as it appeared, was at once completely isolated by removal to the hospital. In May and June, twenty-four of our children were ill with scarlet fever; at the opening of school in September, a little boy returned sick with the measles, and at the end of four weeks there had been thirty-eight cases of that disease; we are now but just recovering from an epidemic during which we have had more than thirty cases of diphtheria. In each of these periods of sickness there were many who showed premonitory symptoms of the prevailing disease, but being placed at once under medical treatment a serious interruption of their health was prevented. We have great cause for thankfulness in the fact that among more than ninety cases of sickness, many of them severe, not one death has occurred. No more convincing proof could be given of the skill and faithful care of our physician, and the devotion of those who have, under his direction, nursed the sick.

The work of the school has continued with as little interruption as possible, though the withdrawal of from twenty to thirty pupils at one time could but derange the regular order of school work, and anxiety and care weighed heavily upon teachers and officers.

During the past year we have improved our facilities for articulation work. With the exception of one little boy, who suffers the double affliction of deafness and partial blindness, all our pupils are now receiving systematic instruction in the art of vocal utterance, forty-five minutes a day being the minimum of time given to each. Several pupils who came to us with imperfect speech have gained confidence and ability to converse freely. Among the congenitally mute several have learned to speak sufficiently well to make known their wants when at home with their friends. Our methods are well established, and we are steadily progressing in this most difficult work.

The instructors of the school have held occasional meetings for the reading and discussion of papers on subjects relating to our work. Each teacher has read a review of the methods pursued by himself. These papers have been carefully prepared and the work has resulted in practical benefit to our school. At first it was our

purpose to publish these papers for the benefit of those specially interested in this institution, but their bulk made it impracticable. We have also held weekly teachers' meetings to compare notes and discuss matters of immediate importance.

In October we were so fortunate as to secure a visit from Miss Emily Coe, originator of the American Kindergarten. In a course of ten lectures Miss Coe explained and illustrated something of the principles and methods of her work. In the German Kindergarten we had found comparatively little which could be adopted in the instruction of our children; the teachers whom we had consulted felt that it would be useless to attempt to teach deaf children by their methods; but in trying to discover the principles underlying the natural development of the child's mind, the principles upon which Froebel's system, as well as all true systems of education are founded, we have been interested and encouraged in working out a plan of our own. In Miss Coe's instruction we found much that we had felt the need of. We were delighted with the beauty and completeness of the system which this lady has spent twenty years in developing, and we found in it more than we had hoped of material for our own work. Our little ones have shown great interest in making and arranging collections of "things that God has made," and the curious specimens in these collections afford an endless variety of subjects for conversation and research.

The number of pupils enrolled during the year has been one hundred and thirty-one, seventy-three males and fifty-eight females. Of these, seventy-two were State and fifty-nine were county pupils.

Respectfully submitted,

Z. F. WESTERVELT,

Principal.

ROCHESTER, N. Y., *December 10, 1880.*

(G.)

REPORT OF THE PRINCIPAL OF THE ST. JOSEPH'S INSTITUTE FOR THE IMPROVED INSTRUCTION OF DEAF-MUTES.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR. — I have the honor to report that there are at present enrolled on the books of this institution two hundred and thirty-four pupils, ninety-two males and one hundred and forty-two females. Of these, fifty-three are State pupils, one hundred and twenty-three are county pupils, thirty-five are supported by the State of New Jersey, and twenty-three by parents or the institution.

We still employ the same system ; often, however, varying the

methods as our growing experience or the useful hints of our fellow-laborers in similar institutions throw new light upon the work of instructing the deaf and dumb. Two new classes in articulation have been formed. They are composed of young children who give promise of becoming proficient in the system. The use of signs will be discontinued in these classes. Articulation and lip-reading are also taught in the other classes, but not to the exclusion of the sign language. The plan of monthly examinations has been highly successful in exciting emulation among the pupils.

The girls' industrial department gives particular satisfaction. It is our aim not only to teach our girls suitable trades, but also to fit them to become neat and efficient housekeepers; for this end each is required to do a certain amount of household work which is afterward carefully inspected, and no slovenly or half-done task is allowed to pass. Habits of order and neatness are thus developed and will be appreciated in after life.

The health of our pupils continues to be excellent, even slight ailments are of rare occurrence. This is no doubt due, in a great measure, to the watchful care of the teachers, who promptly report any case which appears to require special attention.

A new building, the need of which has long been felt, is now in process of erection on the grounds of the institution at Fordham. It contains a spacious recreation hall, a chapel, dormitories and parlors, and though quite plain and unpretending, it will lack nothing that can contribute to the health or needful comfort of the inmates of the institution.

Respectfully submitted,

MARY B. MORGAN,

Principal.

FORDHAM, N. Y.. *November 30, 1880.*

(H.)

REPORT OF THE SUPERINTENDENT OF THE NEW YORK INSTITUTION FOR THE BLIND.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—In compliance with your request of November 24, I would submit the following:

Number of pupils Sept. 30, 1879.....	200
Admitted during year to Oct. 1, 1880.....	39
Whole number instructed.....	239
Reduction	29
Number September 30, 1880.....	203

The health of the pupils has been excellent. The expenditure for medicines and medical supplies for the year was only \$31, a large part of which was for the treatment of diseases of the eye. Whether we consider the actual outlay for drugs and medicines for several years past, or the exemption of the pupils from acute and epidemic diseases, it will be conceded that the sanitary condition of the institution has not been excelled by that of any other either in the State or country.

The literary, musical and industrial departments of the institution have been conducted in the same manner as heretofore. The administration, as relates to both pupils and employes, is business-like and efficient. As these are matters with which you are very familiar through your personal observations at the institution, they need not here be enlarged upon. At the last session of the Legislature the appropriation was reduced from \$250 to \$225 *per capita*, for two hundred pupils.

The sum of \$240 *per capita* for two hundred pupils will be justly needed for the current year next ensuing.

The institution is not an asylum or a retreat, and ought to be so supported that there shall be no tendency to reduce it to the grade of such establishments. The benefits accruing to the pupils and to the public are very great. The institution gives the use of its valuable grounds and buildings, and of its permanent fund, for the purpose of educating the blind children of the State, the total value of such contribution amounting to a large percentage of the whole cost. The institution is effectively administered with great care, and minuteness of detail in each of its departments, financial, literary, musical, industrial and household. I would respectfully ask for the appropriation of \$240 *per capita*, or \$48,000 for two hundred pupils, your favorable consideration.

Very respectfully, your obedient servant,

WM. B. WAIT,

Superintendent.

NEW YORK, Dec. 6, 1880.

(I.)

REPORT OF THE SUPERINTENDENT OF THE ALLEGANY AND CATTARAUGUS INDIAN RESERVATIONS.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In accordance with custom, and in compliance with your request, I forward to your Department additional facts in relation to the Indian schools on the Allegany and Cattaraugus reservations.

The schools have been as well attended, and as deep an interest manifested by both parents and children, as in any former year. But few Indian youth can be found who cannot read and write, while many of them are well versed in the common English branches. Many of the children particularly excel in writing and drawing. Several of the school buildings are in bad condition, and the schools in them will soon have to be abandoned unless the money is furnished to thoroughly repair or rebuild them.

Getting money from an Indian for school purposes is one of the things that cannot be done under our present system, although he may be the owner of a valuable farm, well stocked, and as able to contribute to the support of his own school as our rural white population are to theirs. As I have said substantially in former reports, the only way to make *a man* of the Indian is to make him a citizen, and there is no good reason why this should not be done. Thousands of foreigners are every year made citizens whose qualifications for citizenship are not to be compared with those of many of these Indians.

The school building in district No. 4 (Asylum school), Cattaraugus reservation, should be enlarged so that three teachers may be employed. There is but one room in which pupils are seated, with a small recitation room adjoining.

The average daily attendance has been above eighty; this term it is over ninety, and is so large, and accommodations so limited, you will at once perceive that the two teachers employed are not able to be as thorough in their work as they should be in order that the best results may be obtained.

Our institute conducted by Profs. Lantry and Kennedy was a decided success. I believe the teachers returned to their several schools feeling that they were stronger, better teachers, than they were before.

Respectfully yours,

JOHN ARCHER,

Superintendent.

RANDOLPH, N. Y.. *November 30, 1880.*

(J.)

REPORT OF THE SUPERINTENDENT OF THE ONONDAGA INDIAN RESERVATION.

HON. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In complying with the requirements of your Department. I have not much to add to the annual statistics of progress.

Indian education, the corner-stone of Indian civilization, has been trying for about half a century to get these people ready for American citizenship, and they seem but little nearer that goal than at the

start. The fault is not wholly in the stolidity of Indian character, nor in "Lo's inaptitude for civilization," but more in the old methods pursued by both State and National governments of carrying and caring for the Indian, and not training and teaching him to care and do for himself. Better counsels are beginning to prevail, as may be seen by the attempted legislation of last year at Albany, and, also, by the action of the general government in seeking to get the tribes upon reservations and give each family a farm.

Our school has been much better taught by Mrs. Lane than for many years past. But owing to the indolence and habitual dependence of this race upon the whites, we are unable to get Indian parents to furnish books, stationery, or even fuel, for the Indian school, and this fall, for the first time since the school was organized, we have been under the necessity of either furnishing a coal stove and coal to keep the house comfortable, or of letting the school cease. This seems the worse because of a large forest yet remaining on the Indian reservation. 'Tis true it is not easy of access to the school, and we tried by getting up an oyster dinner or making a bee, to get our wood cut and "snaked" from the woods by Indian labor, that we might be able now, as in years past, to give the tribe credit for furnishing fuel from their own woods to warm their own children. I felt that you were right in saying in our correspondence on the coal subject "that the Indian scholars ought not to be driven from a State school by the cold on account of the fault of their lazy parents." Our school has since been heated by coal, and animated.

Each morning, by the fine musical instrument gratuitously loaned to our teacher, who uses it deftly, by Postmaster Chase of Syracuse, our school has become larger than ever before, and the scholars seem to act more like awakening from the dumb slumber of the past centuries of savagedom in which they were bred, than I have ever before noticed.

Respectfully, your obedient servant,

J. KNEELAND,

Superintendent.

So. ONONDAGA, N. Y., Dec. 22, 1880.

(K.)

REPORT OF THE SUPERINTENDENT OF THE SHINNECOCK AND POOSPATUCK INDIAN RESERVATIONS.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—By the statistical report sent in October, it may be seen that the schools were taught as in previous years, thirty-six weeks on the Shinnecock and twenty weeks on the Poospatuck reservation.

The schools are now in session with no change of teachers, and are in a prosperous condition.

I have been connected with these schools long enough to have seen pupils grow up and enter upon the duties of life. Here the prospect is not without encouragement; though some of the young men contract the bad habits and shiftless ways of their ancestors. Let us hope, that at the end, they will have done the world more good than if left untaught.

The school-houses and their belongings are well kept, and are free from the jack-knife and pencil desecration too often practiced by white children.

Thanking your Department for courtesy and all needed assistance, I am,

Respectfully yours,

J. S. RAYNOR,

Superintendent.

EAST MORICHES, N. Y., Dec. 16, 1880.

(L.)

REPORT OF THE SUPERINTENDENT OF THE TONAWANDA INDIAN RESERVATION.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—I respectfully submit the following report of Indian schools on the Tonawanda reservation :

The schools are doing well, and many of the scholars are making fine progress in their studies. The whole number in attendance is a little better, but the average attendance, especially for the last part of the year, is not quite as good as last year.

The Pagan Indians have been holding feasts and different kinds of meetings that have kept the children away from school, but the old people are taking more interest in the education of the children than ever before, and I am in hopes to show better results for the year to come.

Truly yours,

W. T. MAGOFFIN,

Superintendent.

AKRON, N. Y., Oct. 4, 1880.

(M.)

REPORT OF THE SUPERINTENDENT OF THE TUSCARORA INDIAN RESERVATION.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—The following report, for the year ending September 30, 1880, is respectfully submitted :

The whole number of children residing on the Tuscarora reservation, between the ages of five and twenty-one years, on the 30th day of September, 1880, was one hundred and forty-six, which is eleven less than last year.

Two schools were taught thirty-six weeks each, during the year, with an aggregate attendance of one hundred and ten scholars, and an average daily attendance of forty, which is four more than the preceding year.

Both schools for the last year were taught by Indian teachers, who gave very good satisfaction, although it was their first effort at teaching. With a year's experience and their seeming desire to do all they can for the children under their care, I did not think it was for the best interest of the schools to change teachers, therefore they are both employed for the winter term, at the same wages as last year (\$6 per week).

These schools have cost the State for the school year ending September 30, 1880, the sum of \$487.49, which is \$50.49 less than was paid by the State the year last passed.

Respectfully submitted,

R. STOCKWELL,

Superintendent.

WILSON, N. Y., Dec. 10, 1880.

(N.)

THIRTY-SEVENTH ANNUAL REPORT OF THE EXECUTIVE COMMITTEE OF THE STATE NORMAL SCHOOL AT ALBANY, TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE REGENTS OF THE UNIVERSITY, 1881.

To the Superintendent of Public Instruction and the Regents of the University :

The Executive Committee of the State Normal School at Albany, respectfully submit this, their thirty-seventh annual report :

The school year, closing June, 1880, was one of continued prosperity. It embraced the seventy-first and seventy-second terms, during which two hundred and eleven candidates, representing forty-two different counties of the State, applied for admission to the school. Of these, one hundred and sixty-seven passed the required

examination, and were admitted. The average attendance, during the school year, was two hundred and sixty-eight. The average age of the males was a little more than twenty-one years, and that of the females a little more than twenty years.

The number of graduates of the seventy-first term of the school, ending January 27, 1880, was :

Males.....	17
Females.....	18
Total	35

Of the seventy-second term, ending June 24, 1880 :

Males.....	11
Females.....	21
Total.....	32

Total graduates for the year..... 67

Of these, all without exception desired to engage in the work of instruction, and nearly, if not quite, all have obtained situations and are actually engaged in teaching.

No changes have taken place in the faculty of the Normal School, or of the Model School connected with it, during the past year. The committee feel confident that the best interests of the institution have been subserved by retaining the services of those who, by their experience, industry and teaching ability, have proved themselves competent. No change has taken place for more than seven years in the faculty of the Normal department, and it is confidently believed that the real work of preparing teachers for the schools of the State, was never better done than during the past year.

The following is a full list of the present faculty :

FACULTY.

Joseph Alden, D. D., LL. D., President, and Professor of Mental and Moral Philosophy.

Albert N. Husted, A. M., Professor of Mathematics.

William V. Jones, A. M., Adjunct Professor of Mathematics.

Joseph S. St. John, A. M., Professor of Natural Science.

John B. Marsh, Teacher of Vocal Music.

Miss Kate Stoneman, Teacher of Geography, Drawing and Penmanship.

Miss Mary A. McClelland, Teacher of English Grammar and History.

Miss Mary F. Hyde, Teacher of Rhetoric and Geometry.

Miss Josephine E. Seaman, Teacher of English Literature and Composition.

Miss Caroline Bishop, Teacher of Elocution.

Miss Anna A. Farrand, Teacher of Arithmetic and Algebra.

Mrs. Meriba A. B. Kelly, Superintendent of the Model School.

Miss Ellen Bishop, Assistant in the Model School.

The executive committee are able to report the building of the school and its furniture and equipments in need of only unimportant repairs. The building is not one which is well adapted to its purposes, and unless radically and extensively changed, it must always remain an inconvenient house for the school. But by care and good management these inconveniences have been greatly diminished. Yet the best interests of the school require some alterations, by which less climbing of stairs, and less confusion in the changing of classes, shall be involved.

The equipments for teaching remain without material change since last year. It has not been the policy of the executive committee to accumulate collections of apparatus or of other educational material beyond the absolute wants of the institution. Up to this point, however, the wants of the institution are well supplied. The philosophical and chemical apparatus, including the important additions made two years ago, is a very serviceable collection. It must, however, be understood that constant additions are required to keep such collections up to the proper standard of efficiency and to provide for the illustration of new discoveries in science.

The following circular gives the subjects of study and the terms of admission, as well as other information as to the management of the school :

COURSE OF STUDY.

Junior Class — First Term.

Arithmetic, English grammar, geography, map drawing, penmanship, physiology, algebra.

Junior Class — Second Term.

Algebra continued, higher arithmetic, elocution, rhetoric, English grammar, geometry, botany, natural philosophy, history of the United States.

Senior Class — First Term.

Geometry continued, natural philosophy continued, ethics, astronomy, history, science of government, higher arithmetic, higher algebra, synonyms, criticism, free-hand and industrial drawing.

Senior Class — Second Term.

English literature, mental philosophy, trigonometry and surveying, chemistry, geology, book-keeping, evidences of christianity.

Composition, elocution and vocal music receive prominent attention throughout the course.

TERMS OF ADMISSION, ETC.

Candidates for admission to the lowest class must, if females, be not less than sixteen years of age; and if males, not less than eighteen. They must pass a satisfactory examination in reading, spelling, geography, arithmetic and English grammar, and must subscribe a declaration that their object in connecting themselves with the school is to prepare themselves for the work of instruction in the State.

The course of instruction and practice occupies two years. The year is divided into two terms of twenty weeks each. The students are divided into four classes. These are subdivided into as many sections as circumstances may require.

Students receive a thorough drilling in all the branches which they will be called to teach, and in such other studies as experience has shown to be best adapted to discipline and develop the mind.

Persons cannot be made teachers by merely being told how to teach. They must themselves be taught in the right manner. They must themselves form the mental habits which it is their duty to aid others in forming.

Every teacher in the Normal School is expected to be, by example and precept, a teacher of didactics. Instruction in the art of teaching is thus given at every recitation in every department. Special attention is given to the study of the human mind as the object and instrument of education.

Besides thus receiving from the faculty instruction in the art of teaching, the pupils are, at the proper stage of their progress, required to teach in the Model School, for a term of nine weeks, under the supervision of the superintendent.

When the school was established, the number of pupils from each county was restricted to twice the number of its representatives in the Assembly. The establishment of seven additional normal schools in the State has rendered this restriction unnecessary. The school is, therefore, open to all who desire to fit themselves to become teachers. When the quota of a county is filled, pupils from that county are credited to counties whose quota is not full.

Students desiring admission to the school should apply to their commissioner for an appointment. If the applicants possess the requisite qualifications, he will grant it, and send it to the Superintendent of Public Instruction, who will indorse it and send it to the president, in whose hands it will be found on the arrival of the pupil at the school.

Students should reach Albany the day before the opening of the term. They should come at once to the Normal School building,

whence they will be directed to boarding-houses approved by the faculty. They should retain their checks until they procure rooms, when their baggage will be delivered free of charge.

Tuition and text-books are furnished free of charge. *The amount of fare necessarily paid in coming by public conveyance to the School* will be refunded to those who are present at the beginning of the term and remain till its close.

The price of board in respectable families varies from \$3 to \$4.50 per week, exclusive of washing. Those who wish to board themselves can procure furnished rooms at \$1 per week. By so doing, they can reduce their expenses for board to \$3 per week. All places for board must be approved by the faculty.

It will be seen that the studies of the first term Junior, embrace those usually taught in district schools. Many attend school during that term, and then leave and teach for a time, and thus procure the means for returning and completing the course.

The fall term begins on the second Wednesday in September.

The spring term begins on the second Wednesday in February.

The following is the form of certificate of appointment, to be granted by the school commissioner of the county, and addressed to the Superintendent of Public Instruction:

CERTIFICATE OF APPOINTMENT.

To the Superintendent of Public Instruction:

This will certify that _____ of _____ in the county of _____, aged _____ years, is recommended as a suitable candidate for appointment as a pupil in the State Normal School at Albany, from the _____ Assembly district in the county of _____

(Signed)

School Commissioner of the county of _____

Dated _____, 18 _____.

MILEAGE.

The students attending the Normal School receive mileage, about equal to the fare necessarily paid in coming by public conveyance to the school. The following table shows the amount paid on account of mileage at the end of each term to the students from the several counties:

Counties.	Amount paid to each pupil.	Counties.	Amount paid to each pupil.
Albany.....		Clinton.....	\$5 50
Allegany.....	\$9 30	Columbia.....	0 75
Broome.....	5 20	Cortland.....	4 05
Cattaraugus.....	9 00	Delaware.....	5 00
Cayuga.....	8 75	Dutchess.....	1 50
Chautauqua.....	8 30	Erie.....	6 00
Chemung.....	7 00	Essex.....	5 60
Chenango.....	3 70	Franklin.....	6 60

Counties.	Amount paid to each pupil.	Counties.	Amount paid to each pupil.
Fulton.....	\$1 50	Queens.....	\$3 75
Genesee.....	5 50	Rensselaer.....	0 20
Greene.....	1 05	Richmond.....	3 50
Hamilton.....	4 00	Rockland.....	3 00
Herkimer.....	1 70	Saratoga.....	0 90
Jefferson.....	4 80	Schenectady.....	0 45
Kings.....	3 50	Schoharie.....	1 50
Lewis.....	4 80	Schuyler.....	5 50
Livingston.....	5 60	Seneca.....	4 90
Madison.....	3 00	St. Lawrence.....	6 00
Monroe.....	4 60	Steuben.....	8 00
Montgomery.....	0 90	Suffolk.....	5 50
New York.....	3 25	Sullivan.....	4 55
Niagara.....	5 75	Tioga.....	6 50
Oneida.....	2 00	Tompkins.....	5 25
Onondaga.....	2 95	Ulster.....	2 00
Ontario.....	4 50	Warren.....	3 25
Orange.....	2 65	Washington.....	2 50
Orleans.....	5 50	Wayne.....	3 85
Oswego.....	4 00	Westchester.....	3 00
Otsego.....	3 00	Wyoming.....	7 00
Putnam.....	2 00	Yates.....	5 50

THE MODEL SCHOOL.

This school is designed to furnish models of organization, government and instruction, for the use of the students of the Normal School. It is under the care of experienced teachers, and its primary object as a model school is kept constantly in view. The students of the Normal School are regularly sent down to this school for practice and instruction in the art of teaching.

The attendance during the past year in this school has been as follows:

Number in attendance during first term.....	84
Number in attendance during the second term.....	72
Number of different pupils in attendance.....	136

For tuition and text-books a charge of ten dollars per term of nineteen weeks is made.

Since the date of its last report, the executive committee has lost by death its secretary and treasurer, Samuel B. Woolworth, LL.D., who died June 30, 1880. For three years and a half from July, 1852, he was the principal of the school, and from the end of that period down to the time of his death he was a member of the executive committee, and its secretary and treasurer. He always took the greatest interest in the affairs of the school, and contributed greatly to its continued usefulness and success. His practical and intimate knowledge of the management of the school rendered his services in the committee of the greatest value.

By appointment from the Superintendent of Public Instruction and the Board of Regents, David Murray became, from July, 1880, a member of the committee in place of Dr. Woolworth, and by the action of the committee its secretary and treasurer.

The executive committee is therefore constituted as follows: Hon. Neil Gilmour, Superintendent of Public Instruction, chairman *ex-officio*; Hon. Robert H. Pruyn, LL.D.; Professor Jacob S. Mosher, M.D.; Hon. Charles E. Smith; David Murray, LL.D., secretary and treasurer.

A statement of the receipts and expenditures for the fiscal year ending September 30, 1880, is annexed.

(Signed)

ROBERT H. PRUYN,
JACOB S. MOSHER,
CHARLES E. SMITH,
DAVID MURRAY,

Executive Committee.

FINANCIAL STATEMENT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1880.

State Normal School at Albany in account with Executive Committee.

Dr.

Balance from last year.....	\$157 59
Appropriation for support.....	20,506 77
Model School (tuition).....	1,310 00
Miscellaneous.....	7 10
Total.....	<u>\$21,981 46</u>

Cr.

Paid salaries of teachers, Normal.....	\$14,833 00
Paid salaries of teachers, Model.....	1,200 00
	<u>\$16,033 00</u>
Paid text-books and stationery.....	435 21
Paid mileage of students.....	809 85
Paid repairs.....	2,213 52
Contingents.....	2,429 42
Balance.....	60 46
	<u>\$21,981 46</u>

MEMBERS OF THE CLASS GRADUATING JANUARY 27, 1880, AND THE SUBJECTS OF THEIR ESSAYS.

Ida M. Antes,	Onondaga,	Hidden Treasures.
Harriet L. Atchinson,	Rensselaer,	Personal Influence.
Elizabeth J. Bake,	Columbia,	Bread on the Waters.
Moses Becker, Jr.,	Columbia,	Decision.

George F. Bell,	Otsego,	Our Profession.
Julia E. Blakely,	Rensselaer,	Smoke.
Loron M. Burdick,	Saratoga,	Botany.
Sarah J. Champine,	Rensselaer,	Leisure Moments.
Albert C. Derby,	Chenango,	Electricity.
Kate B. Dobbs,	Albany,	Our Mission.
Arthur Flood,	Albany,	Our Poet Bryant.
Kate M. Garrison,	Richmond,	Imagination.
Mary A. Gillespie,	Westchester,	Fame.
Jennie M. Greene,	Albany,	Broken Ties.
Mary Holloway,	Delaware,	Conversation.
Louise A. Hull,	Greene,	Sunshine and Shadow.
Anna M. Ingalls,	Otsego,	Refinement.
Josiah S. McLaughlin,	Wayne,	Invention.
Minnie McLaughlin,	Wayne,	Building.
William R. Moe,	Albany,	Music.
Robert Muir,	Albany,	Faith.
Henry H. Plough,	Delaware,	Little Things.
Myron C. Plough,	Delaware,	True Manhood.
Howard W. Richardson,	New York,	Hereditary Rank.
Charles Rivenburgh,	Columbia,	American Influence.
Edwin Smith,	Columbia,	Education.
Ezbon A. Smith,	Columbia,	Self-Culture.
Minnie E. Stephens,	Albany,	Friendship.
Charles H. Tindall,	Wayne,	Waste and Saving.
Frank Tinklepaugh,	Albany,	Lessons of History.
Elizabeth A. Toohey,	Orange,	Fenelon.
Jessie Van Anken,	Albany,	Our Inheritance.
Jennie Van Orden,	New York,	Trailing Arbutus.
Louisa H. Vincent,	Dutchess,	An Important Question.
Hoyt Wightman,	Otsego,	Practical Education.

MEMBERS OF THE CLASS GRADUATING JUNE 24, 1880, AND THE SUBJECTS OF THEIR ESSAYS.

Emily Ashton,	Rensselaer,	Nature.
M. Alice Blake,	Columbia,	Veneering.
George E. Barber,	Sullivan,	Industry.
H. Weston Barnum,	Sullivan,	Wants.
Remer H. Barringer,	Rensselaer,	The Last Decade.
Silas D. Becker,	Columbia,	Nature's Harmony.
Emma L. Bennett,	Cayuga,	Christian Education.
C. Adelbert Bishop,	Westchester,	Recent Discoveries.
Carrie L. Bristol,	Rensselaer,	Purpose.
Mary B. Buswell,	Albany,	Voyage of Life.
Emma Comeskey,	Rockland,	Spectacles.
Ella Cruikshank,	Washington,	Faces.
Matilda Dunn,	Albany,	Happiness.
Elgiva Dusenbury,	Dutchess,	Truth.
Mary E. Eldredge,	Washington,	The Teacher's Trials.

R. Rockwell Felter,	Rockland,	Stolen Time.
Abram L. Haines,	Schoharie,	Floating with the Tide.
Minnie R. Hall,	Dutchess,	Voiceless Teachers.
Irena L. Ham,	Columbia,	Progress.
George Hannay,	Schoharie,	Contrast.
Ida M. Hayner,	Rensselaer,	Ruined Cities.
M. Libbie Hockbridge,	Rensselaer,	Seed.
Susie Litchfield,	Rensselaer,	Historical Reading.
Ella Magnire,	Orange,	Foundations.
Tracy J. Manchester,	Rensselaer,	Diligence.
Anna L. Matson,	Rensselaer,	Grecian Games.
John B. McClernan,	Albany,	Commendation.
Mary T. McCormick,	Albany,	Promises.
Alice Moore,	Westchester,	Choice.
Herbert Pinckney,	Putnam,	The Statesman.
Viola J. Reed,	Broome,	Illustrious Women.
Daniel B. Relyea,	Ulster,	Commerce.
Jennie Ring,	Albany,	John Milton.
Minnie Smith,	Rensselaer,	Dreams.
Florence I. Snyder,	Schoharie,	Sunshine.
M. Libbie Spaulding,	Schoharie,	Culture.
Carrie Stam,	Schoharie,	Pyramids.
William E. Thompson,	Otsego,	National Banks.
Adella P. Travers,	Rensselaer,	Happy Homes.
J. Willis Vandercook,	Wayne,	The American Indian.
Clarence E. Van Zandt,	Rensselaer,	What Next?
Estelle M. Warne,	Seneca,	Decoration Day.
Emma Weeks,	Albany,	Stars.
Abram H. Wiggins,	Jefferson,	Failures.
J. Franklin Wright,	Rensselaer,	Labor.

(O.)

FOURTEENTH ANNUAL REPORT OF THE LOCAL
BOARD OF THE STATE NORMAL AND TRAINING
SCHOOL, BROCKPORT, N. Y., FOR THE YEAR ENDING
DECEMBER 31, 1880.

HON. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—The local board of the State Normal and Training School at Brockport, in the county of Monroe, in pursuance of the statute, do hereby submit their annual report of the condition of said school, for the year ending December 31, 1880.

I.

BUILDINGS AND GROUNDS.

The buildings are now undergoing some few repairs absolutely essential to their preservation and to the comfort of their inmates.

The expenses of these repairs it is now impossible to report, as they are yet unfinished.

The amount expended for ordinary repairs, during the year, is \$367.13.

The board are of the same opinion as last year that the construction of a chapel on the first floor, and the introduction of a better system of heating, would be greatly conducive to the protection of the building and to the health of the occupants.

The necessity of these improvements appears almost imperative.

II.

LIBRARY AND APPARATUS.

The expenditures for the library and apparatus for the last year has amounted to the sum of..... \$848 89

III.

VALUATION.

Same as last year.

Value of building.....	\$110,000 00
Value of lot.....	15,000 00
	\$125,000 00
Value of furniture.....	5,000 00
Value of library and apparatus.....	10,000 00
Total.....	<u>\$140,000 00</u>

IV.

DETAILED FINANCIAL REPORT FOR THE YEAR ENDING SEPTEMBER 30, 1880.

Receipts.

1879.

October	18. To cash of State Treasurer.....	\$2,368 59
November	10. To cash of State Treasurer.....	1,629 16
December	9. To cash of State Treasurer.....	1,696 53

1880.

January	13. To cash of State Treasurer.....	1,607 37
February	10. To cash of State Treasurer.....	1,630 48
March	17. To cash of State Treasurer.....	1,888 64
April	14. To cash of State Treasurer.....	1,645 04
May	13. To cash of State Treasurer.....	1,469 10
June	24. To cash of State Treasurer.....	1,450 00
June	26. To cash of State Treasurer.....	1,450 00
July	19. To cash of State Treasurer.....	319 26

Total..... \$17,154 17

DISBURSEMENTS.

I. Amount paid teachers and janitor	\$14,500 00
II. Amount paid for library, text-books and apparatus	848 89
III. Amount paid for repairs.....	367 13
IV. Amount paid for incidentals and repairs.....	1,438 15
Total.....	<u>\$17,154 17</u>

ITEMS OF DISBURSEMENTS.

I. Amount paid teachers and janitor.

Chas. D. McLean, principal.....	\$2,500 00
H. G. Burlingame.....	1 400 00
W. H. Lennon.....	1,400 00
J. F. Forbes.....	1,400 00
Mrs. W. C. Sylla.....	1,200 00
Miss C. M. Chriswell	700 00
Miss J. E. Lowery.....	700 00
Miss H. D. Gillette.....	700 00
Miss M. J. Thompson.....	700 00
Mrs. M. A. Cady.....	700 00
Miss S. M. Efner.....	600 00
Miss E. Richmond.....	600 00
Miss A. E. Braman.....	600 00
Miss S. M. Harris.....	500 00
Miss F. C. Barnett.....	300 00
Wm. Knowles, janitor	500 00
	<u>\$14,500 00</u>

II. Amount paid for library, text-books and apparatus.

1879.

October 22.	Eldridge & Bro., Sallust, Cicero and Rhetoric.....	\$48 58
October 22.	Harper & Bro., geometry	38 40
October 22.	Ginn & Heath, Greek grammars and lessons	33 84
October 22.	D. Appleton & Co., German dictionary and Latin grammars.....	51 77
October 22.	Iverson, Blakeman & Co., algebra and French	107 60
October 22.	Chas. Scribner & Co., geography	21 60
October 22.	L. Tillotson & Co., chemicals....	4 88
November 13.	E. B. Benjamin, apparatus.....	10 24
November 13.	A. S. Barnes & Co., German grammars,	6 80
December 13.	McMillan & Co., English grammars....	102 60
December 13.	Ward & Howell, minerals, etc	120 00
December 13.	H. A. Ward, invertebral diagram.....	9 00

1880.

February	14.	H. A. Ward, glass models.....	\$3 00
February	14.	Tainter Bro., Merrill & Co., readers ...	1 93
February	14.	Chas. Scribner's Sons., encyclopedia Brit	70 00
March	20.	Ginn & Heath, books.....	78 08
March	20.	Iverson, Blakeman & Co., chemistries ..	23 33
March	20.	R. & J. Beck, natural history speci- mens	5 00
April	17.	L. G. Tillotson & Co., battery	17 55
April	17.	D. Appleton & Co., Latin and German,	14 29
April	17.	A. S. Barnes & Co., German.....	5 40
April	17.	J. W. Martin & Co., organ	75 00

 \$848 89
III. Amount paid for repairs.

1879.

October	22.	C. H. Jenner, gas-fitting.....	\$3 60
October	22.	H. Harrington, work	18 00
October	22.	S. W. Allen, work	13 77
October	22.	J. E. Whitney, oil-cloth.....	2 03
November	18.	Pat Keon, digging well.....	44 00
December	13.	J. E. Whitney, work.....	10 33
December	13.	W. Welch, water-lime.....	4 60

1880.

January	15.	J. E. Whitney, stove grates.....	4 75
January	15.	A. F. Wells, hardware.....	17 93
January	15.	Hinman & Fowler, stoves	47 49
January	15.	Albion Med. Stone Co., well stone.....	12 00
February	14.	Pat. Keon, labor.....	12 05
February	14.	S. W. Allen, cartage.....	3 56
February	14.	Underhill & Smith, lumber	23 39
February	14.	M. O. Randall, repairing clock.....	1 00
February	14.	Chas. Van Eps, stoves, etc.....	26 35
February	14.	R. T. Ward, repairing stove.....	2 60
March	20.	C. Van Eps, hardware.....	55 80
March	20.	Wm. Bradford, hardware and labor....	8 88
April	17.	W. H. Cooley, architect.....	55 00

 \$367 13
IV. Amount paid for incidental expenses.

1879.

October	22.	Whiteside, Barnett & Co., wood.....	\$11 60
October	22.	Mrs. Baker, stamps.....	7 42
October	22.	Advertising	8 00
October	22.	Norman Tooley, 150 tons coal.....	547 50

1879.

November 13.	W. H. Lennon, expenses to principal's meeting.....	\$6 50
November 13.	O. Schouton, brooms, etc.....	7 74
November 13.	J. Wilson & Co., advertising.....	2 00
November 13.	Rochester Printing Co., advertising....	6 25
November 13.	Evening Express Co., advertising	9 00
November 13.	Brockport Gas Co., gas.....	36 30
November 13.	J. A. Tozier, stationery, etc.....	50 33

1880.

January	15. Brockport Gas Co., November and January.....	70 20
January	15. D. Holmes, postage and stationery.....	5 00
February	14. Brockport Gas Co., gas.....	36 60
March	20. J. Reixinger, kindling wood.....	3 75
March	20. American Express Co., express.....	17 50
March	20. E. R. Andrews, printing.....	21 50
March	20. Whiteside, Barnett & Co., wood.....	7 50
March	20. Brockport Gas Co., gas.....	37 20
March	20. C. D. McLean, students' mileage.....	180 10
April	17. Brockport Gas Co., gas.....	25 50
April	17. American Express Co., express.....	2 30
May	17. J. A. Tozier, stationery, etc.....	19 10
July	29. L. T. Beach, printing.....	42 00
July	29. Mrs. M. E. Baker, postage, etc.....	11 52
July	29. Gavit & Co., printing.....	21 55
July	29. Brockport Gas Co., gas.....	22 80
July	29. E. R. Andrews, printing.....	18 25
July	29. J. A. Tozier, stationery.....	5 55
July	29. S. W. Allen, cartage.....	13 25
July	29. Ketcham & Patten, stationery.....	9 10
July	29. C. D. McLean, students' mileage.....	173 54
July	29. American Express Co., express.....	1 70
Total.....		<u>\$1,438 15</u>

ACADEMIC DEPARTMENT.

Receipts.

1879.

October 1.	To amount on hand.....	\$689 18
October 1.	To tuition moneys during the year.....	1,912 60
Total.....		<u>\$2,601 78</u>

Disbursements.

Amount paid teachers and janitor :

T. E. Burlingame.....	\$1,000 00
Miss Flora C. Willsea.....	600 00

William Knowles, janitor.....	\$250 00
Amount on hand September 30, 1880.....	751 78
Total.....	<u>\$2,601 78</u>

V. FACULTY.

At the close of the year, Mrs. W. C. Sylla, who had for some time filled the position of preceptress with marked ability, tendered her resignation, and Miss Mary R. Rhoades was elected to fill the vacancy at a salary of \$1,100 per annum.

Miss Harriet S. Gillette, principal of the intermediate department, also resigned her position at the close of the school year, and Mrs. Mary A. Cady, critic to that department, was elected principal of the department at an annual salary of \$700. Miss Stella M. Harris, critic in the primary department, was elected critic, at a salary of \$600 per annum, in place made vacant by promotion of Mrs. Cady; and Mrs. Roxanna Palmer was elected critic in the primary department in place of Miss Harris promoted, at a salary of \$500 per annum.

VI. LOCAL BOARD.

During the past year the local board and the school have suffered a great loss in the death of the Hon. Jerome Fuller, who, from the organization of the board, had been its chairman. His death occurred September 2, 1880, and at the next regular meeting of the board the following preamble and resolutions were unanimously adopted :

WHEREAS, This local board, in the death of our valued president, keenly realize the great and irreparable loss which has been sustained by our body, by our Normal School and by our village; therefore,

Resolved, That we desire to attest our personal affection and regard for him both as a man and a presiding officer, and how profoundly conscious we are of his services in our board.

Resolved, That it is the sense of this body that to his broad, comprehensive and enthusiastic intellect, to his culture, to his sagacity, to his judicious and temperate counsel, and to his foresight and wisdom, this school is largely indebted for its success and prosperity.

Resolved, That this village and community, in the death of this man of noble mind, of exalted life, and of large and capacious spirit, have suffered a loss that cannot be easily estimated; and it may be truly said of him that when a good man dies the nation mourns.

Resolved, That the sympathies of this board be expressed to the family that has been so sorely afflicted in the loss of a husband and father.

Upon the recommendation of the board, Mr. John H. Kingsbury, of Brockport, N. Y., was appointed to fill the vacancy in the board, by the Superintendent of Public Instruction.

VII. ATTENDANCE FROM OCTOBER 1, 1879, TO SEPTEMBER 30, 1880.

Normal Department.

Whole number registered.....	385
Average attendance.....	214.325
Average age:	
Males.....	19
Females.....	19

Academic Department.

Whole number registered.....	169
Average attendance.....	59
Average age:	
Males.....	17.5
Females.....	17

Intermediate Department.

Whole number registered.....	172
Average attendance.....	112

Primary Department.

Whole number registered.....	170
Average attendance.....	110

VIII. ALUMNI.

The following is a list of graduates for the past year, with grade of diploma:

Classical Course.

M. Elizabeth Adams.....	North Manlius.....	Onondaga Co.
Charles H. Boynton.....	Lake Side.....	Wayne Co.
Mary A. Capron.....	Belfast.....	Allegany Co.
Hattie A. Cook.....	Holley.....	Orleans Co.
Douglas Chickering.....	Brockport.....	Monroe Co.
Alice East.....	Brockport.....	Monroe Co.
Wm. C. Hitchcock.....	Henrietta.....	Monroe Co.
Caroline C. Marquise.....	Richfield Springs...	Otsego Co.
Edward Manley.....	Brockport..	Monroe Co.
Viola A. Rood.....	Brockport.....	Monroe Co.
Henry A. Spencer.....	Albion.....	Orleans Co.
Emma A. Titus.....	Athens.....	Greene Co.
Theodora M. Thompson.....	Port Richmond....	Richmond Co.
Rachel R. Whiting.....	Athens.....	Greene Co.

Advanced English Course.

Anna Alberton.....	Newark.....	Wayne Co.
Clara A. Bennett.....	East Hamlin.....	Monroe Co.
Hattie S. Carey.....	Middlesex.....	Yates Co.

Harriet L. Farley.....	Union Springs.....	Cayuga Co.
M. Louise Jones.....	Turin.....	Lewis Co.
Ellen F. Mason.....	Binghamton.....	Broome Co.
Willis E. Miner.....	Brockport.....	Monroe Co.
Fannie M. Stewart.....	Churchville.....	Monroe Co.
Isabella B. Whitney.....	Brockport.....	Monroe Co.

ACADEMIC DEPARTMENT.

English Course.

M. Estelle Files.....	Clarkson.....	Monroe Co.
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Music Course.

Lily E. Cutter.....	Brockport.....	Monroe Co.
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IX.

The following are the officers of the several societies connected with the school:

Gamma Sigma.

President, Charles Irwin; Vice-President, George A. Farrall; Secretary, George A. T. Eddy; Corresponding Secretary, Edwin M. Crocker; Treasurer, John B. Stack; Librarian, Wm. R. Wilcox; Directors, John B. Stack; George A. Farrall; Charles Irwin.

Arethusa.

President, E. Adelia Cady; Vice-President, Ella J. Clark; Secretary, Lizzie A. Sill; Treasurer, Emily Steele; Librarian, Nettie E. Bullis; Directresses, Julia Brace, Margaret McPherson, Amanda Perry.

Natural History Club.

President, Bertha C. Barnard; Vice-President, William A. Scott; Recording Secretary, E. Adelia Cady; Corresponding Secretary, Miss Jennie M. Thompson; Treasurer, Rodney E. Odell; Curator, Prof. W. H. Lennon.

Song Circle.

President, Edwin M. Crocker; Vice-President, Lizzie A. Robinson; Secretary and Treasurer, Jennie Phillips; Pianist, Jessie E. Hillman; Musical Directress, Miss Elizabeth Richmond.

STATE OF NEW YORK, }
County of Monroe, } ss.:

Joseph A. Tozier, Secretary *pro tem.* of the local board, being duly sworn, says that the written report of the State Normal School,

Brockport, for the past year, is correct and true according to his best knowledge and belief.

J. A. TOZIER,
Secretary pro tem.

Sworn to before me, this 11th }
day of January, 1881. }

H. P. NORTON, *Notary Public.*

(P.)

ANNUAL REPORT OF THE LOCAL BOARD OF THE STATE NORMAL AND TRAINING SCHOOL AT BUF- FALO.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—The local board of the Normal and Training School at Buffalo, submit their tenth annual report, as follows:

THE BOARD AND ITS OFFICERS.

No changes have occurred since the last report. The Board stands as follows:

Francis T. Root, Buffalo, President.

William H. Greene, Buffalo, Secretary.

Stephen M. Clement, Buffalo, Treasurer.

Thomas F. Rochester, Buffalo. Henry Lapp, Clarence.

Grover Cleveland, Buffalo. David Gray, Buffalo.

Of the original board of nine members, Messrs. Root, Greene, Rochester, Cleveland and Lapp are still connected with it. The vacancies occasioned by the death of Messrs. Steele and Potter have not been filled, and the seven named above constitute the present board.

The executive committee of the board is composed of Messrs. Root, Greene, Clement, Rochester and Gray, and the clerk is H. B. Buckham.

FACULTY OF INSTRUCTION.

No changes have occurred in the faculty of instruction, during the year, except that the services of Miss Ida C. Bender, assistant teacher of Latin, have been discontinued, as they were not needed. The salary of Miss Clara L. Young, by vote of the board and approval of the Superintendent, was raised from \$700 to \$800 per annum. Both these changes date from September 1, 1880.

The names, departments and salaries for the school year ending in June, were as follows:

Henry B. Buckham, principal, philosophy and didactics, \$2,500; David S. Kellicott, physical science, \$1,600; Marcus A. G. Meads, mathematics, \$1,600; Mark M. Maycock, drawing and penman-

ship, \$1,500; Frank W. Forbes, ancient and modern languages, \$1,500; Joseph Mischka, vocal music, \$500; Mary F. Hall, methods and head critic, \$1,200; Mary Wright, geography and history, \$900; Mary J. Harmon, reading and rhetoric, \$1,000; Isabella Gibson, arithmetic and algebra, \$900; Clara L. Young, English language, \$700; Ida C. Bender, assistant in Latin, \$200.

The teachers in the school of practice are: Ada M. Kenyon, first grade, \$800; Clara E. Field, second and third grades, \$650; Adella F. Fay, fourth and fifth grades, \$650; Winnie S. Thompson, sixth and seventh grades, \$400; Ellen Brown, eighth, ninth and tenth grades, \$650.

As heretofore, these teachers are paid by the city, except that Miss Kenyon is paid \$150 for services required of her as having general oversight of the department, this sum being included in the salary mentioned above.

These teachers are also assistant critics in their respective departments.

NUMBER IN ATTENDANCE.

The number in attendance during the year was 259, and the average attendance was 175. There were, also, five academic students, that is, students not pledged to engage in teaching, but desirous of joining classes in the normal school. This number is rather smaller than that reported last year, but it is believed that the improvement in quality of students fully compensates for this slight falling off in numbers.

GRADUATION.

Seventeen students were graduated in the normal courses in June, and one in the academic course. The total number of normal graduates is 185, and of academic graduates is 17. Of these, we are certain that all have been honorable in their intentions in coming to this school, and we know that a very large proportion of them have done, and are still doing, such teaching as they have found opportunity of doing. It is gratifying to know that graduates of the school are more sought for than ever before, and that some neighboring villages have passed resolutions to employ as teachers none but graduates of some normal school.

The effort of the school, during the past year, has been to make *teaching* in the school of practice, and *criticism* more efficient. It has seemed to us that our students will get more practical benefit from this than from deeper studies into the metaphysics of pedagogy, and that actual teaching under faithful and intelligent inspection will do more than any thing else toward making good teachers for common school work. We have used our school of practice to its full extent for this purpose, and we have extended this practice to the classes in the normal school. The result, so far as now seen, certainly points to continued and increasing efforts in this direction. If every three of these pupil-teachers could be followed, and in-

spected and aided by one competent critic, we believe that the normal school would be doing the most fruitful work of which it is capable.

The board are happy in reporting continued and entire harmony between the faculty and themselves, and between our normal school as a whole, and the Department of Public Instruction.

The request of the Superintendent that these annual reports be confined to the working of the school for the year, precludes the propriety of any discussion of educational topics in general.

DETAILED STATEMENT OF RECEIPTS AND EXPENDITURES OF THE
BUFFALO NORMAL SCHOOL FOR THE YEAR ENDING SEPTEMBER
30, 1880.

Receipts.

Balance on hand at last report.....	\$405 29
Received from the State on account of annual appropriation.....	17,598 81
Tuition fees from academic students.....	75 00
Total.....	<u>\$18,079 10</u>

Expenditures.

On account of teachers' salaries:	
H. B. Buckham, principal.....	\$2,500
D. S. Kellicott.....	1,600
M. A. G. Meads.....	1,600
M. M. Maycock.....	1,500
F. W. Forbes.....	1,500
James Mischka.....	500
Mary F. Hall.....	1,200
Mary Wright.....	900
Mary J. Harmon.....	1,000
Isabella Gibson.....	900
Clara L. Young.....	700
Ada M. Kenyon.....	150
Ida C. Bender.....	125
Total.....	<u>\$14,175</u>
On account of janitor:	
Robert Cox, wages.....	\$550
On account of furniture:	
J. M. Jacobs, lithogram.....	\$6 00
Husee & Co., chairs.....	16 50
Total.....	<u>\$22 50</u>

On account of apparatus :

Taintor, Merrill & Co., arithmetical frame.....	\$13 50
W. & L. E. Gurley, transit instrument.....	258 00
B. F. Stevens, Manikin and Exchange.....	24 00

Total.....	<u>\$295 50</u>
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On account of reference library :

P. Paul, sundry books.....	\$68 85
Bigelow Brothers, historical addresses.....	3 90

Total....	<u>\$72 75</u>
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On account of fuel :

J. Ormsby, wood.....	\$12 00
E. S. Hubbell, coal.....	432 00
E. S. Hubbell, coal.....	392 12

Total.....	<u>\$836 12</u>
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On account of text-books :

P. Paul, sundry books	\$35 94
S. C. Griggs, Latin lessons.....	33 50
P. Paul, sundry books	24 72
Hy. Holt, physiologies	40 45
P. Paul, sundry books	41 06
P. Paul, sundry books	71 18
F. Schottin, binding old books	149 80
H. B. Buckham, sundry books purchased	19 60

Total	<u>\$416 25</u>
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On account of repairs :

• F. Feyl, painting	\$3 75
Henley & Stygall, steam pipes	17 38
F. N. Widner, blackboards	18 00
Henley & Stygall, water-closets	40 44
S. W. Sanford, reslating blackboards.....	67 22
M. H. Short, labor on blackboards.....	4 75
Henley & Stygall, steam pipes	12 50
Jas. Harrington, cleaning boilers	9 37
Post & Son, paint for fence.....	159 30
Wm. Jeffrey, labor and lumber, repairing fence and steps	114 78
F. Feyl, painting fence, steps, etc.....	198 78
Henley & Stygall, closets and steam pipes	21 47

Total.	<u>\$662 74</u>
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On account of contingent expenses:

First quarter.

M. Taylor & Co., stationery	\$13 45
Gas Co., gas, September, October	25 65
G. Kraashaar, tuning piano twice	4 00
P. Dedderich, labor	2 00
Pratt & Co., locks	1 49
R. Cox, sundries	3 70
Arend & Co., mats	4 25

Total	<u>\$54 54</u>
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Second quarter.

M. Taylor & Co., stationery	\$3 80
Gas Co., gas, November and December	36 90
Cowin & Co., printing, \$18.75; stationery, \$15	33 75
P. Paul, sundries	4 30

Total	<u>\$78 75</u>
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Third quarter.

Gas Co., gas, January, February, March	\$48 60
Coppins & Son, glazing	3 75
H. Baker, brooms	2 50
J. Atwood, carpenter's work	5 10
H. Bates, cleaning clocks	3 00
R. Cox, housing coal, \$5.75; nails, screws, etc., \$4.71, ...	10 46
H. B. Buckham, 4 days' labor paid, \$7; sundries, \$2, ...	9 00

Total	<u>\$82 41</u>
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Fourth quarter and to the end of the year.

O. B. Knowlton, copy slips for year	\$12 25
Delaware Avenue M. E. Church, gas, \$10, and janitor, \$5	15 00
Gas Co., gas, April and May	22 05
Gavit & Co., normal diplomas	16 15
M. Taylor, stationery and sundries	12 60
C. M. Lymon, chemicals	14 06
Courier Co., printing, \$65, and stationery, \$58.35	123 35
R. Cox, supplies	3 38
S. O. Barnum, step-ladder and ribbon	5 84
Geo. Hertel, labor and material	10 75
H. Baker, brooms	2 60
S. O. Barnum, feather dusters	13 50

H. L. Bunell, interest	\$5 00
D. W. C. Weed, repairing mower	2 25
Arend & Co., mats	12 00
Gas Co., gas, June, July, August	18 00
R. Cox, housing coal, \$6; house cleaning, \$8.43....	14 43
G. T. Phelps, agent, crayon and erasers, sundries....	13 00
H. B. Buckham, postage for year, \$17.38; express charges, \$11.08; freight and cartage, \$5.40; sundries, \$2.18.....	36 04
Total	\$352 25

Expended from tuition money, with approval of Superintendent of Public Instruction :

E. S. Hammond, prize badges.....	\$27 00
Gavit & Co, academic diplomas	2 00
C. Christensen, trees and plants	20 55
Sundry reference books.....	32 50
Sundry periodicals.....	82 20
	\$164 25

RECAPITULATION.

Total receipts from all sources.....	\$18, 079 10
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Expenditures for the year.

Paid on account of teachers' salaries.....	\$14, 175 00
Paid on account of janitor's wages.....	550 00
Paid on account of furniture.....	22 50
Paid on account of apparatus.....	295 50
Paid on account of reference library.....	72 75
Paid on account of fuel.....	836 12
Paid on account of text-books.....	416 25
Paid on account of repairs.....	662 74
Paid on account of contingent expenses:	
First quarter.....	\$54 54
Second quarter.....	78 75
Third quarter.....	82 41
Fourth quarter and to end of year.....	352 25
	567 95
Paid from tuition money.....	164 25
Balance in hands of local board	316 04
	\$18, 079 10

ERIE COUNTY, ss. :

David Gray, acting president, and William H. Greene, secretary, of the local board of the State Normal and Training School at Buffalo, being duly sworn say, and each for himself says, that the foregoing detailed statement of the receipts and expenditures of the said board has been approved by the executive committee of the said board, and that he believes such statements to be correct.

DAVID GRAY,
Acting President.
WM. H. GREENE,
Secretary.

Subscribed and sworn to before me, }
this 25th day of January, 1881. }

HENRY B. GREENE,
Notary Public in and for Erie County.

All of which is respectfully submitted.

WM. H. GREENE,
Secretary of Local Board.

BUFFALO, January 25, 1881.

(Q.)

TWELFTH ANNUAL REPORT OF THE STATE NORMAL AND TRAINING SCHOOL AT CORTLAND, N. Y., FOR THE YEAR ENDING SEPTEMBER 30, 1880.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—The local board of the State Normal and Training School at Cortland, N. Y., herewith submit their twelfth annual report, which is for the year ending September 30, 1880.

STATISTICS OF THE ALUMNI OF THE SCHOOL.

Statistics concerning the Alumni of the Cortland State Normal School, presented at the public Alumni exercises held June 28, 1880, by Sara A. Saunders, committee for the association.

The value and efficiency of a school are measured by the result of its labors as seen in the attainment and rank of its graduates. This is especially true in the case of a professional school, and the intrinsic worth of such a school is only determined by the subsequent work of those who sought preparation within its walls.

Perhaps none among the professional schools are so thoroughly criticised and questioned, concerning merit, as are the normal schools which claim as their distinctive field, the preparation of persons for the profession of teaching.

The Cortland Normal School has its part to bear in proving that these schools are accomplishing a work that is of great value, if not indispensable, to the best interests of education.

With a view to answer the question so frequently asked, "What are your graduates doing?" and also to inform ourselves as members of the Alumni, the following statistics have been prepared, from blanks, which were sent to all members of the Alumni association last March, for their answers to certain questions contained in them.

The school was organized March 3, 1869. The first class graduated July 1, 1870, and to date including the class of June 29, 1880, the graduates number 275 — 56 males and 219 females.

During the ten years which have elapsed since the first class went out, seven members of the Alumni have died, viz.: one male and six females, leaving a membership of 268.

Taking out the 32 members who form the class of June, 1880, there remain 246 graduates. To this number the blanks above mentioned were sent. Fifty-eight of the number did not return their blanks (in time to have the reports used), hence the statistics now given pertain to the 188 who did reply. Forty-three of this number are males and 145 are females. The statistics in all cases refer to the time since graduation.

Of the 43 males who report, 20, or 46 1-2 per cent., have taught all the time since graduation; 20, or 46 1-2 per cent., have taught only a portion of the time; three, or 7 per cent., have not taught at all; 93 per cent. have taught more or less.

The highest yearly salary any one of the number has received for a series of years, averages \$1,500, while the lowest salary averages \$400.

Of the 40 males who have taught, 34, or 85 per cent., have taught in New York State; 6, or 15 per cent., have not taught in New York State; 8, or 20 per cent., have taught both in New York State and also in other States.

The following are the States in which the fourteen who have given service to States other than New York have taught.

New Jersey,	Pennsylvania,	Iowa,
Ohio,	Connecticut,	Illinois,
Michigan,	Rhode Island,	Virginia.
Georgia,	North Carolina,	

The following are the places in New York State where the 34 males have taught:

Binghamton,	Elmira,	Lockport,
Medina,	Jamaica, L. I.,	Georgetown,
Weedsport,	Holland Patent,	Cortland,
Accord,	Marathon,	Union,
Pompey,	Harpersville,	Truxton,
Chittenango,	Horseheads,	Lisle,
Cuyler,	Rosendale,	Monroe,
Moravia,	Sloatsburg,	Washington Mills,
Washingtonville,	Theresa,	Newfield,
Mexico,	East Pembroke,	Morrisville,
Lee Center,	Fredonia,	Northport,

Chenango Forks,
Rockaway,
Boonville,

Carthage,
Havana,

Manlius,
Scipio.

Of the 34 males mentioned above, 26 have been principals of union graded schools; 4 have been principals of city ward schools; 4 have served as superintendents of public schools in cities or in large villages; 2 have been principals of city high schools; 4 have been in faculty of city high schools; 4 have been members of the normal school faculty; 1 has held the office of county school commissioner; 1 has been principal of an academy; 1 has the chair of music and modern languages in a female college; 1 has had the chair of mathematics and natural sciences in an academy; 1 has had the chair of natural sciences in a city high school.

During the school year ending July, 1880, 27 males, or 63 per cent., have been teaching at an average salary each of \$812; \$2,000 being the highest salary, and \$500 the lowest. Of the number 27—13 are principals of union graded schools; 3 are principals of city ward schools; 4 are principals of city high schools; 1 is principal of a department in a high school; 2 are superintendents of public schools; 1 is principal of a department in a normal school; 1 holds the chair of English physics and Latin in a normal school; 1 has the chair of mathematics and natural science in an academy; 1 is director of music department and professor of modern languages in a female college.

The following are the statistics pertaining to the females since graduation and refer only to the 145 who returned blanks. 62 females, or 43 per cent., have taught all the time since graduation; 74 females, or 51 per cent., have taught only a portion of the time; 9 females, or 6 per cent., have not taught at all; 94 per cent. taught more or less.

The highest yearly salary any one has received for a series of years, averages \$911; the lowest averages \$150, this latter being in a rural district school.

Of the 116 females who have taught more or less, 128, or 94 per cent., have taught in New York State; 8, or 6 per cent., have not taught in New York State; 14, or 10 per cent., have taught in New York State and also in other States.

The following are the States in which the 22 who have not remained all the time in New York State have taught:

Connecticut,
New Jersey,
Indiana,
Tennessee,
Nebraska,

Michigan,
Illinois,
Iowa,
California,

Minnesota,
Vermont,
Wisconsin,
Pennsylvania.

The following are the places in New York State where the 128 females have taught:

Jordan,
Carthage,

Summer Hill,
Elmira,

Cortland,
Onondaga Valley,

Niles,	Binghamton,	Canandaigua,
Middletown,	Dresserville,	Glen Head, L. I.,
New York city,	Glen Haven,	Ithaca,
Morrisville,	Sidney Plains,	South Cortland,
Chittenango,	Georgetown,	Clark's Ferry,
Balmville,	Green Island,	Vassar College,
Scott,	Homer,	Cincinnati,
Moravia,	Oneonta,	Windsor,
Lakeport,	Speedville,	South Orange,
Kattelville,	North Pitcher,	Washingtonville,
Harpersville,	New Warwick,	Lincklaen,
Kingston,	Coventry,	Bethlehem,
East Homer,	McLean,	Newark,
Horseheads,	Syracuse,	Cazenovia,
Clyde,	Buffalo,	Geneseo,
Deposit,	Taylor,	Cuyler,
Owego,	Port Jervis,	Nyack,
Auburn,	West Eaton,	Lisle,
West Monroe,	Medina,	Unadilla,
Newark Valley,	McGrawville,	Newfield,
Truxton,	Poolville,	Dryden,
DeRuyter,	Fabius,	Hamilton,
Virgil,	Harford,	East Watertown,
Groton,	Marathon,	Scipio,
Berkshire,	Norwich,	Fulton,
Triangle,	Lansing,	Lapeer,
Freeville,	Andes,	Killawog,
Peruville,	Greene,	Etna.

Of the 128 females mentioned above, 77 have taught in union graded schools; 20 have taught in city ward schools; 6 have taught in high schools; 11 have taught in normal schools; 1 has taught in a college; 5 have taught in private schools; 7 have taught in academies; 49 have taught in district schools.

During the school year ending July, 1880, 81 females, or 56 per cent., have been teaching at an average salary of \$380; the highest salary being \$1,000, and the lowest \$150.

Of the 81 females who have taught during the year, 40 have been in union graded schools; 19 have been in city ward schools; 10 have been in district schools; 6 have been in normal schools; 3 have been in high schools; 1 has been in a college; 1 has been in an academy; 1 has been in a private school.

A summary of items pertaining to the 188 persons who returned blanks gives the following: One hundred and seventy-six persons, or 94 per cent., have taught since graduation; 12 persons, or 6 per cent., have not taught since graduation; 82 persons, or 44 per cent., have taught all the time since graduation; 94 persons, or 50 per cent., have not taught all the time since graduation; 162 persons, or 86 per cent., have returned service to New York State; 14 persons, or

8 per cent., have given their services entirely to States other than New York; 103 persons have taught in union graded schools; 24 persons have taught in city ward schools; 10 persons have taught in high schools; 15 persons have taught in normal schools; 50 persons have taught in district schools; 8 persons have taught in an academy; 2 persons have taught in a college; 5 persons have taught in private schools.

Of the 58 persons who did not send in reports, the following is correct as far as known: All but 6 have taught more or less; 18 have taught in union graded schools; 13 have taught in city ward schools; 15 have taught in district schools; 2 have taught in normal schools; 1 has taught in an academy; 1 has taught in a private school; 36 persons have taught in New York State; 10 persons have taught in States other than New York.

ATTENDANCE BY THE YEAR.

The following table exhibits the history of the Cortland Normal School from its beginning, March 3, 1869, down to September 30, 1880, the close of the twelfth, or last, school year. The exhibit shows the total number of normal students enrolled each year, the average attendance, the average age, the per cent. of attendance of the whole number registered, and the per cent. of students that dropped out of school during the year, thus indicating approximately the proportion of students of the school who teach annually in the public schools.

	YEAR.	No. students.	Average attendance.	AV. AGE.		Per cent. of attendance.	Per cent. who teach yearly.
				Males.	Females.		
1..	March 3, 1869, to October 1, 1869 ...	116	53	19	19	46	54
2..	October 1, 1869, to October 1, 1870 ..	322	123	19	19	39	61
3..	October 1, 1870, to October 1, 1871 ..	401	162	20	19	41	59
4..	October 1, 1871, to October 1, 1872 ..	370	161	19	19	44	56
5..	October 1, 1872, to October 1, 1873 ..	390	163	20	19	42	58
6..	October 1, 1873, to October 1, 1874 ..	399	177	20	19	45	55
7..	October 1, 1874, to October 1, 1875 ..	370	179	20	22	49	51
8..	October 1, 1875, to October 1, 1876 ..	377	157	20	20	42	58
9..	October 1, 1876, to October 1, 1877 ..	398	177	20	19	45	55
10..	October 1, 1877, to October 1, 1878 ..	361	197	21	20	55	45
11..	October 1, 1878, to October 1, 1879 ..	324	153	21	20	48	52
12..	October 1, 1879, to October 1, 1880 ..	449	220	21	20	50	50

An examination of the above table shows that the last year was the most largely attended in the history of the school, some fifty different students having been enrolled over and above that of any previous year, and an advance of one hundred and twenty-five over the preceding year, with an increase of sixty-seven in the average attendance.

ATTENDANCE BY TERMS OF NEW STUDENTS.

The following table shows the number of new normal students—names not appearing upon the rolls before—for each term during the history of the school.

Number Term.	YEAR.	Males.	Females.	Total.
1..	From March 3, 1869, to July 20, 1869	28	29	57
2..	From September 8, to February 1, 1870	48	68	116
3..	From February 16, to July 1, 1870	30	40	70
4..	From September 14, to January 31, 1871	56	84	140
5..	From February 15, to June 30, 1871	18	22	40
6..	From September 6, to January 30, 1872	51	55	106
7..	From February 14, to July 2, 1872	23	20	43
8..	From September 4, to January 28, 1873	26	47	73
9..	From February 12, to July 1, 1873	26	26	52
10..	From September 3, to January 27, 1874	39	71	110
11..	From February 11, to June 30, 1874	18	19	37
12..	From September 2, to January 26, 1875	36	62	98
13..	From February 10, to June 29, 1875	20	24	44
14..	From September 1, to January 25, 1876	32	61	93
15..	From February 9, to June 27, 1876	17	19	36
16..	From September 6, to January 30, 1877	36	68	104
17..	From February 14, to July 3, 1877	21	20	41
18..	From September 5, to January 29, 1878	20	48	68
19..	From February 13, to July 2, 1878	15	17	32
20..	From September 4, to January 28, 1879	32	49	81
21..	From February 12, to July 1, 1879	32	17	49
22..	From September 3, to January 27, 1880	42	84	126
23..	From February 11, to June 29, 1880	19	33	52
	Total	685	983	1,668

ATTENDANCE FOR THE YEAR ENDING SEPTEMBER 30, 1880.

Whole number of normal students	449
Average attendance of normal students	220

Average age of normal students:

Males	21
Females	20

Attendance in Schools of Practice for the year.

	Whole No.	Av. No.
Academic department	17	7
Intermediate department	120	80
Primary department	197	159

REPAIRS.

The improvements begun last year have been practically completed. The three small furnaces that were under the west end of the building were replaced by two larger ones, during the summer vacation.

SCHOOLS OF PRACTICE.

The Superintendent of Public Instruction, July 24, 1880, revoked his order made June 11, 1877, whereby the sittings were limited to 250; September 1, 1880, those schools were allowed a larger number of pupils, in consequence of this counter-order. Additional seats have been placed in the rooms, in vacation, to accommodate the attendance.

EXERCISES.

Class day exercises at the Normal Chapel, 2 o'clock P. M., Monday, June 28, 1880.

"The joy is in winning, not in wearing the laurels."

[January, 1879.]

"Our purpose holds to sail beyond the sunset."

[July, 1879.]

PROGRAMME.

Music.

Prayer Prof. F. S. Capen.
President's Address—"Culture in our Common Schools." .. Dayton P. Stowell.
Class History Jay W. Chapman.

Music.

Essay—"The Bible in Literature and Art." Carrie E. Gardner.
Oration—"Principles and Men." Bayard W. Purcell.

Music.

Poem—"The Meeting of the Ships." Hamilton Terry.
Prophecy Claire Norton.
Presentation... .. Mary E. Crowell.

Music.

Music by Alex. Brown's Orchestra.

Sixth public exercises of the Alumni Association of the State Normal School, Cortland, N. Y., in Taylor Hall, Monday, June 28, 1880, at 8 P. M.

(Organized June 30, 1873.)

PROGRAMME.

1. Prayer. Rev. A. J. Hutton.
Music.
2. Address — "The State and Morality" A. H. Brown.
(Class, June 30, 1874 Michigan University, Ann Arbor, Mich.)
Music.
3. Essay — "Pictures on and off Canvas" Mrs. H. E. Bradford
(Class, June 30, 1871, and June 29, 1875..... Holland Patent, N. Y.)
4. A paper Sara A. Saunders
(Class, July 1, 1873.. Methods and Critic in Primary Dept. S. N. S. Cortland.)
Music.
5. Oration — "King Lear and his Fool" Cyrus J. Wood
(Class, July 3, 1877..... Rochester University, Rochester, N. Y.)
Music.
6. Poem — "The Fairy Ship" Cora L. Fitch
(Class, June 27, 1876)..... Assistant Principal in High School, Dryden, N. Y.

BENEDICTION.

Music furnished by Mr. Fernando Edwards.

OFFICERS.

President, Arthur H. Brown, Class, June 30, '74; Vice-President, Ellen J. Pearne, Class, January 29, '78; Secretary, Emily E. Cole, Class, January 31, '71. Treasurer, Samuel J. Sornberger, Class, June 30, '74.

GRADUATES.

January 27, 1880.

MALES.

William Lemuel Bates Cortland, Cortland Co., N. Y.
William A. Miller..... Perth Amboy, N. Y.
Niles Freeland Webb Monroe, Orange Co., N. Y.

FEMALES.

Effie Adelle Allan..... Ludlowville, Tompkins Co., N. Y.
Clara Augusta Boyd..... Cortland, Cortland Co., N. Y.
Mattie Elizabeth Ball Berkshire, Tioga Co., N. Y.
Minnie Leonard Ball..... Berkshire, Tioga Co., N. Y.
Bessie Jennie Gutsell McLean, Tompkins Co., N. Y.
Elizabeth Esther Newman.. South Onondaga, Onondaga Co., N.Y.
Mary Elizabeth Robinson... North Chemung, Chemung Co., N.Y.
Ella Dora Robinson North Chemung, Chemung Co., N.Y.
Emily Ellen Stone..... Binghamton, Broome Co., N. Y.
Frances Atherley Smith.... Meridian, Cayuga Co., N. Y.
Annie Eloise Waters..... Cortland, Cortland Co., N. Y.
Flora Adelle Wood..... Cortland, Cortland Co., N. Y.
Minnie May Woodward Moravia, Cayuga Co., N. Y.

June 29, 1880.

MALES.

James Robert Ball	Berkshire, Tioga Co., N. Y.
Elbert Bishop	Binghamton, Broome Co., N. Y.
Fred Le Grand Durand	Hector, Schuyler Co., N. Y.
Howard Franklin Wilcox...	Hobart, Delaware Co., N. Y.
Charles B. Van Wie	Schoharie, Schoharie Co., N. Y.

FEMALES.

Maria Woodward Bishop ...	Cortland, Cortland Co., N. Y.
Jessie Conklin	Elmira, Chemung Co., N. Y.
Josephine Christina Crandall,	Ithaca, Tompkins Co., N. Y.
Jennie Eliza Colligan	Cortland, Cortland Co., N. Y.
Mary Ann Dowd.....	Cortland, Cortland Co., N. Y.
Rowena Mary Dean	Cortland, Cortland Co., N. Y.
Margaret Ann Emerson	Syracuse, Onondaga Co., N. Y.
Ada Jane Fitch	West Groton, Tompkins Co., N. Y.
Mari Louise Hunter	Elmira, Chemung Co., N. Y.
Emma Verdene Hutchings..	Virgil, Cortland Co., N. Y.
Julia Antoinette Moak.....	Sherburne, Chenango Co., N. Y.
Martha Stites.....	Deposit, Broome Co., N. Y.
Antoinette Elizabeth Snyder,	Cortland, Cortland Co., N. Y.
Maggie Glendola Smith	Corning, Steuben Co., N. Y.
Mary Dewey Squires.....	Montoursville, Lycoming Co., Pa.
Cora Josephine Springer ...	Cortland, Cortland Co., N. Y.
Julia Van Orden	Cortland, Cortland Co., N. Y.

CATALOGUE OF GRADUATES SINCE THE OPENING OF THE SCHOOL.

MALES.

Names.		Class.
Ball, James R.	June	29, '80
Bangs, Elmer	July	2, '78
Bates, William L	January	27, '80
Beardsley, Francis M.....	June	27, '76
Bishop, Elbert	June	29, '80
Bradford, William H	January	26, '75
Brown, Arthur H.....	June	30, '74
Brown, Charles S	July	1, '79
Brownell, Joseph H	July	3, '77
Bruce, Francis W	June	27, '76
Buell, Charles J.....	June	27, '76
Chapman, Jay W.....	July	1, '79
Coleman, Edson N.....	July	1, '79
Conable, Morris R.....	July	3, '77
Dates, Thomas B.....	July	2, '78
Dempster, William H.....	July	2, '78
Dewey, Charles O	July	3, '77
Donnelly, James W	June	29, '75

Names.		Class.
Durland, Fred. L.....	June	29, '80
Falk, Casimir.....	July	1, '73
Fowler, Charles A.....	July	1, '70
Hitchcock, Nelson H.....	January	25, '76
Hopkins, Harmon S.....	July	2, '72
Kales, John W.....	July	1, '73
Kane, Michael N.....	July	1, '73
Keeler, Malvin J.....	June	30, '71
Kenney, Eudorus C.....	January 26, '75 and July	1, '79
Kerr, William D.....	January	25, '76
Kinney, Harvey A.....	July	2, '78
Knox, Arthur E.....	January	25, '76
Knox, Stratton S.....	June	30, '71
Lusk, James L.....	January	27, '74
McCoy, Franklin A.....	July	2, '78
Magoris, Anthony.....	January	25, '76
Miller, William A.....	January	27, '80
Murphy, Chauncey P*.....	January	30, '72
Page, Emmett D.....	July	2, '78
Parsons, Herbert F.....	June	30, '74
Perne, Wesley W.....	July	1, '70
Purcell, Bayard W.....	July	1, '79
Robinson, William P.....	June	30, '71
Ryan, George E.....	July	2, '72
Shults, James H.....	June	30, '71
Sornberger, Samuel J.....	June	30, '74
Spencer, William S.....	January	30, '72
Squires, Frank J.....	June	30, '74
Stillwell, Lamont.....	July	2, '78
Stowell, Dayton P.....	January	28, '79
Terry, Hamilton.....	July	1, '79
Van Dawaker, John E.....	June	26, '75
Vanderburgh, Fred. A.....	July	1, '70
Van Wie, Charles B.....	June	29, '80
Viele, John J.....	July	3, '77
Webb, Niles T.....	January	27, '80
Wilcox, Howard F.....	June	29, '80
Wood, Cyrus J.....	July	3, '77

FEMALES.

Ainslie, Eda A.....	June	30, '74
Ainsworth, Ella A.....	June	30, '71
Allen, Effie A.....	January	27, '80
Angell, Sarah L.....	July	1, '73
Babcock, Estelle V.....	January	26, '75
Baldwin, Esther E.....	July	2, '72

* Deceased.

Names.	Class.
Ball, Mattie E	January 27, '80
Ball, Minnie L	January 27, '80
Barron, Annie M.	June 29, '75
Beach, Alice M	January 29, '78
Beach, Mary L	July 3, '77
Bennett, Anna M	January 30, '77
Bennett, Florence E	July 2, '78
Bentley, Jennie L	January 31, '71
Bishop, Mina W	June 29, '80
Black, Anna	July 2, '72
Blakalee, Mary L	June 30, '74
Booth, Clara E	July 2, '72
Bostwick, Sarah	June 30, '71
Boyd, Clara A	January 27, '80
Bradley, Sarah E	January 28, '73
Brainard, Ella F	June 30, '71
Brown, Emma M	July 3, '77
Browu, Sarah A	June 30, '71
Brownell, Annie L	July 1, '70
Calvert, Etta A	June 27, '76
Camenga, Frederica B	July 2, '72
Campbell, Alice C	January 26, '75
Campbell, Mary T	June 30, '74
Cately, Alice M	June 30, '71
Chollar, Phebe O	January 28, '73
Clark, Sara E	June 29, '75
Cobb, Marietta S	July 1, '73
Cole, Emily E	January 31, '71
Cole, Sarah M	July 1, '70
Colligan, Jennie E	June 29, '80
Comstock, Ellen A	January 26, '75
Comstock, Jennie E	January 26, '75
Conklin, Jessie	June 29, '80
Corker, Anna S	June 30, '74
Corlew, Lottie T	June 27, '76
Couch, Ida J	January 26, '75
Crandall, Josephine C	June 29, '80
Crane, Adella E	July 2, '78
Crowell, Mary E	July 1, '79
Dailey, Helen E	July 3, '77
Davenport, Anna L	June 29, '75
Dean, Harriet E	June 29, '75
Dean, Rowena M	June 29, '80
Dickinson, Ida A	July 2, '78
Douglass, Susan J	July 1, '73
Dowd, Mary A	June 29, '80
Draper, Ellen L	January 28, '79
Eddie, Carrie B	June 29, '75

Names.		Class.
Eels, Helen P	June 30, '71 and June	29, '75
Ellis, H. Amelia	June	28, '73
Ellis, Franc C.	January	28, '79
Emerson, Margaret A.	June	29, '80
Evans, Ophelia E.	July	2, '78
Fenner, Kate L.	July	1, '73
Ferris, Mary J.	July	3, '77
Finney, Madge M.	January	31, '71
Fitch, Ada J.	June	29, '80
Fitch, Cora L.	June	27, '76
Fletcher, Flora A.	January	28, '79
Fletcher, Sara F.	June	30, '71
Ford, Alice C.	June	30, '74
Fortner, Sarah E.	January 26, '75, and	January 28, '79
Fowler, Cassie R.	July	2, '72
Freeland, Annie E.	January	26, '75
French, Mary J.	July	2, '78
Fuller, Ellen.	January	28, '73
Gaffney, Emma.	January	30, '72
Gardener, Carrie E.	January	28, '77
Gartland, Anna B.	July	3, '77
Gilbert, Flora A.	January	30, '72
Green, Flora A.	July	2, '72
Griswold, Ida.	July	2, '72
Grover, Mary A.	June	30, '74
Gutsell, Bessie J.	January	27, '80
Hall, Emily A.	January	30, '72
Hall, Libbie M.	July	2, '72
Hammond, Mattie C.	January	29, '78
Harris, Libbie L.	July	2, '72
Hatheway, Addie J.	January	25, '76
Hatheway, Ida M.	January	25, '76
Hawley, Helen.	January	30, '72
Higgins, Mary A.	July	2, '78
Higley, Louise.	January	25, '76
Hoag, Charlotte J.	July	2, '78
Hoagland, K. M.	January	25, '76
Holdridge, Fannie L.	June	27, '76
Hopkins, Mary L.	July	2, '72
Hotchkiss, Eva E.	January	29, '78
Hotchkiss, Ida L.	July	1, '79
Hotchkiss, Viola P.	July	1, '73
Howland, Grace I.	July	3, '77
Hubbard, Frances J.	July	3, '77
Hubbard, Mary A*.	January	30, '72
Hubbard, Myra M.	July	2, '72
Hubbard, Sarah H.	January	25, '76

* Deceased.

Names.		Class.
Hull, Francelia A	June	30, '71
Hunter, M. Louise	June	29, '80
Hutchings, Emma V	June	29, '80
Jagger, Carrie L	January	25, '76
Kane, Anna E	July	2, '72
Kerr, Helen A	January	25, '76
Keyes, Ella L	June	27, '76
Kinney, Una F	June	27, '76
Knapp, Anna M	January	30, '77
Knapp, Mary E	July	2, '78
Lape, Delia J	July	1, '79
Lee, Mary E	January	31, '71
Leonard, Anna M	January	25, '76
Lester, Mary E	January	31, '71
Lewis, Ella M	June	30, '71
Lidell, Ida E	July	1, '79
Lincoln, Alice L	January	31, '71
Lyman, Harriet N	July	2, '78
Lynch, Sarah E	June	30, '74
McGraw, Clara H	July	2, '72
McGraw, Edith H	July	2, '72
McLean, Elizaette	July	2, '72
Maritt, Ella M	July	2, '72
Mathewson, Ella L	June	30, '71
May, Ella D	June	30, '74
Mersereau, Henrietta	January	27, '74
Miers, Amelia*	June	30, '71
Mitchell, Marian L	June	27, '76
Moak, Julia A	June	29, '80
Montgomery, Julia F	July	2, '72
Myers, Helena M	July	1, '73
Myers, Helene M	July	1, '73
Nelson, M. Belle	July	1, '73
Newman, E. E	January	27, '80
Northrup, Adda A	July	1, '70
Norton, Claire	July	1, '79
Nye, Esther E	January	26, '75
Paul, Euphemia A	June	29, '75
Perne, Ellen J	January	29, '78
Peck, Catherine M	June	30, '74
Peck, Katharine A	July	3, '77
Peck, Mary E	July	2, '78
Peck, M. Louise	July	1, '73
Perry, Mary A	January	31, '71
Petrie, Genevieve	July	3, '77
Phelps, Emily L	July	2, '78

* Deceased.

Names.	Class.
Pierce, Lydia M	June 27, '76
Pomeroy, Anna C	January 31, '71
Pomeroy, Clara T	January 31, '71
Potter, Helen L	June 30, '71
Preston, M. Ella	July 1, '73
Price, Ina C	July 2, '78
Purinton, Cora A	January 27, '74
Rase, Elizabeth	July 1, '73
Ratliffe, Adaline A*	July 1, '70
Redmond, Nora	January 29, '78
Richardson, Carrie E	July 2, '72
Rigby, Martha J	July 2, '78
Rindge, Clara S	July 2, '78
Robinson, Ella D	January 27, '80
Robinson, Katharine E	January 26, '75
Robinson, Mary E	January 27, '80
Rolfe, Mary A	January 26, '75
Saunders, Sara A	July 1, '73
Saxton, Kittie C	July 3, '77
Scott, Catharine A	January 28, '73
Seacord, Mary K	January 30, '72
Sergeant, Mary	July 2, '78
Skeele, Minnie H	January 25, '76
Smith, Bertha E	July 2, '72
Smith, Eliza J	January 27, '76
Smith, Hattie A	January 31, '71
Smith, Frances A	January 27, '80
Smith, I. Adelle	January 30, '77
Smith, Maggie G	June 29, '80
Snyder, Antoinette E	June 29, '80
Sornberger, Loraine E*	January 28, '73
Springer, Cora J	June 29, '80
Springer, Ella M	June 30, '74
Squires, Mary D	June 29, '80
Stickney, Fannie	January 31, '71
Stillman, Marie S	July 2, '78, and June 30, '74
Stites, Martha	June 29, '80
Stone, Emily E	January 27, '80
Stuart, Kate R	July 1, '70
Tackabury, Libbie G	January 30, '72
Taylor, Bethia J	January 28, '79
Taylor, Lydia A	January 29, '78
Thompson, Nellie E	June 27, '76
Tice, Florence	July 2, '78
Tillinghast, Mary	January 31, '71
Trippe, Flora V	July 1, '78

* Deceased.

Names.		Class.
Tubbs, Mary E.....	July	1, '79
Turner, Mary J.....	June	30, '74
Tyler, Laura E.....	January	25, '76
Upton, Ada H.....	June	29, '75
Van Ness, Henrietta.....	June	30, '71
Van Orden, Julia.....	June	29, '80
Van Siclen, Belle.....	July	1, '73
Van Siclen, Julia.....	July	1, '73
Walker, Florence.....	January	29, '78
Wallace, Ada J.....	June	30, '74
Waters, Annie E.....	January	27, '80
Webster, Ella A*.....	June	29, '75
Welles, Jennie.....	January	29, '78
Wheaton, Emma.....	January	29, '78
Whitney, Annie L.....	June	27, '76
Wiles, Emma A.....	June	30, '72
Willis, Julia H.....	July 1, '70, and	June 30, '74
Willis, Mary L*.....	July	1, '70
Willey, Mary B.....	July	2, '72
Williams, Jennie E.....	June	30, '74
Wood, F. Adelle.....	January	27, '80
Wood, Mary L.....	July	2, '78
Woodmancy, Emma V.....	January	26, '75
Woodruff, Julia E.....	January	30, '72
Woodward, Minnie M.....	January	27, '80
Wright, Florence M.....	June	30, '71

DETAILED STATEMENT OF RECEIPTS AND DISBURSEMENTS OF THE LOCAL
BOARD OF THE STATE NORMAL AND TRAINING SCHOOL, CORTLAND,
N. Y., FOR THE YEAR OCTOBER 1, 1879, TO SEPTEMBER 30, 1880.

RECEIPTS.

Amount on hand, tuition, October 1, 1879,	\$1,767 00	
Received from State to October 1, 1880..	23,626 78	
Received from tuition.....	86 00	
		<u>\$25,479 78</u>

DISBURSEMENTS.

Teachers' Salaries.

James H. Hoose.....	\$2,500 00
Thomas B. Stowell.....	1,700 00
Frank S. Capen.....	1,600 00
James W. Milne.....	1,400 00
John S. Sornberger.....	1,400 00

* Deceased.

Martha Roe.....	\$900 00	
Mary F. Hendrick	750 00	
Clara E. Booth.....	700 00	
Emily P. Halbert.....	550 00	
Elizabeth Rase	700 00	
Lottie T. Corlew	700 00	
Emily E. Cole.....	700 00	
Sara A. Saunders	700 00	
		\$14,300 00

Library and Apparatus.

Appleton & Co., text-books.....	\$24 33	
Chapin, L. N., text-books.....	45 22	
Davis, Bardeen & Co., reference books...	176 70	
Eldridge & Bros., text-books.....	50 00	
Iverson, Blakeman, Taylor & Co., text-books.....	71 37	
Knapp & Peck, apparatus.....	4 50	
Mahan, Alexander, text-books and music,	4 00	
McMillen & Co., text-books.....	48 98	
Office sundries, books.....	31 70	
Periodicals and papers, from tuition fund, vouchers with Local Board.....	156 65	
Potter, Ainsworth & Co., text-books.....	26 19	
Scribner & Co., reference books.....	60 00	
Stowell, T. B., books and apparatus.....	40 89	
Wallace, D. F., text-books and reference books.....	240 44	
Whitall, Tatum & Co., apparatus.....	12 00	
		992 97

Repairs and Improvements.

Repairs, vouchers with Comptroller.	\$4,914 17	
Repairs, vouchers with Local Board.....	150 00	
		5,064 17

Contingent Expenses.

Arnold, Geo. H., supplies.....	\$18 84	
Bradford, G. W., chemicals and stationery,	167 18	
Benton, H. F., lumber and work.....	125 36	
Brewer, Henry, supplies.	48 85	
Bradford, C. H., paint and oil.....	17 10	
Brewer & Schermerhorn, supplies.....	7 92	
Brewer, Stephen, furniture.....	5 00	
Beard & Fletcher, stools.....	6 50	
Barnes, Edward, labor.....	5 62	
Chamberlain Manufacturing Co., supplies,	251 33	
Chamberlain, Norman, supplies.....	12 00	

Cortland Foundry and Machine Co., supplies.....	\$34 10
Carmichael, J. C., supplies.....	22 19
Clark, W. H., printing.....	23 25
Collins, C. H., supplies.....	5 15
Cloyes & Smith, brooms.....	6 50
Davis, Bardeen & Co., globes.....	9 75
Dickinson, A., supplies.....	12 81
Freer, S. D., coal.....	608 20
Gavit & Co., diplomas.....	31 30
Gooding, Sidney, supplies.....	8 50
Gas Company.....	164 30
Gooding, Sidney, janitor.....	500 00
Graham, J. A., supplies.....	5 20
Hodson, J., labor.....	1 50
Jones, B. B., printing.....	101 70
Kellog & Place, hardware.....	66 85
Lantman, Geo., labor.....	41 00
Mahan, Alex., piano rent, etc.....	12 20
Maycumber, W. S., county clerk.....	6 95
Newkirk & Co., Wm., hardware.....	151 90
Office sundries.....	171 20
Parker, Solen, labor.....	79 36
Plumb & Co., printing.....	18 25
Rood, Warner, hall rent.....	30 00
Reynolds, Fayette, labor.....	15 70
Return fare, normal students.....	825 29
Smith & Kingsbury, hardware.....	2 53
Stowell, T. B., supplies for apparatus.....	24 86
Saunders, Delos, clocks.....	9 00
Shirly, H. F., painting.....	3 50
Sager & Co., A., paints and oils.....	36 93
Tanner Bros., ribbon for diplomas.....	7 50
Viele, Jas. A., labor.....	100 08
Wallace, D. F., stationery.....	196 30
Weed, Parsons & Co., circulars.....	42 00
Warren, Tanner, supplies.....	10 59
Watrous, W. C., labor.....	24 15
	\$3, 576 29

RECAPITULATION.

Teachers' salaries.....	\$14, 300 00
Library and apparatus.....	992 97
Repairs and improvements.....	5, 064 17
Contingent expenses.....	3, 576 29
Amount on hand September 30, 1880.....	\$23, 933 43
Total.....	1, 546 35
	\$25, 479 78

We hereby certify that we have examined the within statement of receipts and disbursements for the State Normal and Training School at Cortland, during the year ending September 30, 1880.

FREDERICK HYDE, *President.*

NORMAN CHAMBERLAIN, *Secretary.*

Subscribed and sworn to before me, }
this 4th day of May, 1881. }

MORGAN S. WEBB, *Notary Public.*

(R.)

ANNUAL REPORT OF THE LOCAL BOARD OF THE STATE NORMAL AND TRAINING SCHOOL AT FRE- DONIA.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—The Local Board of the State Normal and Training School at Fredonia, in accordance with the requirements of law, beg leave to submit the following report for the year ending September 30, 1880.

I. CONDITION OF PROPERTY.

The Board have expended, out of the annual appropriation, \$965.41 for the new flooring and other repairs on the building, and \$325.91 for books and apparatus. These expenses have been incurred only to meet the immediate demands of the school. The greater part of the flooring is pine and has been in use since the erection of the building, and all should be relaid except a portion that has been renewed the last two years. The Board are still of the opinion expressed last year, that the building should be thoroughly repaired and some radical changes made to avoid the risk of damage from the settling of unsupported partitions.

II. LOCAL BOARD.

The Local Board remains the same as at the last report, and is as follows:

Hon. L. Morris, president; Louis McKinstry, secretary; P. H. Stevens, Franklin Burritt, Charles L. Mark, G. D. Hinckley, Alva Colburn.

III. FACULTY.

The following changes were made in the faculty at the close of the last school year.

Miss Markham resigned her position as teacher of vocal music to give her entire time to instruction in instrumental music, and was recommended by the board as teacher of instrumental music in the school, with the tuition fees of her pupils as compensation.

Miss M. Antoinette Whiting was recommended to the position of vocal music and reading at a salary of \$500 per annum.

Mr. Emmett D. Page resigned his position at the head of the intermediate department to continue his studies in college. Mr. Andrew Y. Freeman was recommended to fill his place at the same salary.

Miss Sarah Glisan resigned her position as assistant in the intermediate department, and it was not thought necessary to supply her place, but the work was assigned to the other critic teachers. These changes were all approved by the Superintendent of Public Instruction, and the faculty is now as follows:

Francis B. Palmer, Ph. D., Principal, History and Philosophy of Education.

James M. Cassety, A. M., Vice-Principal, Mathematics and German.

Oscar B. Burchard, A. M., Ancient Languages.

Charles A. Babcock, A. M., Natural Sciences.

Miss Elizabeth Richardson, Methods and Superintendent of Practice.

Mrs. Kate B. Burchard, Composition, Rhetoric, English Literature.

Miss M. Blanche Blair, Drawing and Geometry.

Mrs. Z. G. Carruth, French and History.

M. Antoinette Whiting, Vocal Music and Reading.

Andrew Y. Freeman, Principal of Senior Department.

Miss Jennie E. Kinsman, Principal of Junior Department.

Miss Anna McKinsty, Critic in Senior Department.

Mrs. Lizzie M. Matthews, Critic in Junior Department.

Miss Eva Wilkins, Assistant Critic.

Miss Anna J. Markham, Instrumental Music.

IV. NAMES OF GRADUATES FOR THE YEAR.

Normal,

Classical — Annie M. Garvin, Rebecca M. Green, Rose E. Rice, Fred. C. Stebbins, Katherine W. Wright.

Advanced English — Elizabeth C. Buell, Mary J. Nelson, Ida Bell Ross, Georgina Ryman, Helen M. Shaw, Mabelle Wilkins, Addie Wilbor, Addie E. Wilson.

Elementary — Abbie A. Blume, Cora L. Hillabrant, Franc H. Lull, Eva L. Persons, Gertrude Rockwell.

Academic.

Advanced English — Helen M. Swift.

Preparatory for College — Daniel Ulric Fairbanks.

Normal graduates for the year.....	20
Whole number of normal graduates.....	264
Academic graduates for the year.....	2
Whole number of academic graduates.....	39

V. ATTENDANCE FOR THE YEAR.

Number of pupils registered:

Normal	182
Academic.....	66
Intermediate.....	184
Primary.....	153
Total	585

VI. FINANCIAL STATEMENT—YEAR ENDING SEPTEMBER 30, 1880.

Receipts.

Amount received from the State.....	\$18,005 59
Amount received for tuition	175 76
Amount received from other sources.....	8 39
Total	<u>\$18,189 74</u>

DETAILED ACCOUNT OF EXPENDITURES.

Salaries.

Dr. Francis B. Palmer, principal.....	\$2,500 00
James M. Cassety, A. M., vice-principal.....	1,800 00
Oscar R. Burchard, A. M.....	1,500 00
Charles A. Babcock, A. M.....	1,500 00
Elizabeth Richardson.....	1,200 00
Kate B. Burchard.....	800 00
Minnie B. Blair.....	900 00
Mrs. Z. G. Carruth.....	400 00
Anna J. Markham.....	300 00
Emmett D. Page.....	800 00
Jeanie Kinsman.....	800 00
Sarah A. Glisan.....	600 00
Annie McKinstry.....	600 00
Mrs. Lizzie M. Matthews.....	600 00
Eva Wilkins.....	600 00
Patrick McDonell, janitor.....	800 00
Total	<u>\$15,700 00</u>

Fuel and Light.

1879.		
October	4. P. H. Stevens & Co., wood.....	\$61 00
October	4. Frazine & Hamilton, coal.....	244 50
November	21. National Gas Light Co., plumbing and gas bill.....	26 63
1880.		
February	14. National Gas Light Co., gas bill.....	7 50
April	17. National Gas Light Co., gas bill.....	2 50
July	5. Frazine & Hamilton, wood.....	7 00
July	5. National Gas Light Co., gas bill.....	5 50
Total		<u>\$454 63</u>

Repairs and Improvements.

1879.		
October	4. Geo. H. White, carpenter.....	\$241 71
October	4. A. Collis, painting.....	208 69
October	4. Allen & Edmunds, paints, etc.....	161 55

1879.

October	4. Henry Bridgeford, mason.....	\$33 54
October	4. F. C. Chatsey, wall paper.....	61 57
November	21. Frank Mabbett, stone walk.....	83 52

1880.

February	14. D. L. Shepard, hardware.....	18 34
April	17. W. W. Scott & Son, hardware.....	8 21
April	17. Geo. H. White, carpenter.....	11 20
July	5. Frank Mabbett, stone walk.....	134 83
July	5. D. L. Shepard, hardware.....	2 25

Total	\$965 41
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1879.

Books and Apparatus.

October	4. F. C. Chatsey, books, etc.....	\$49 11
October	4. S. Brainard & Sons, books, etc.....	50 40
November	21. A. S. Barnes & Co., books, etc.....	45 36
November	21. J. E. Lowery, books, etc.....	12 50
November	21. O. D. Case & Co., map.....	15 00

1880.

April	17. F. C. Chatsey, books, etc.....	76 10
April	17. Hall & Benjamin, chemicals.....	71 44
July	5. O. R. Burchard, cyclopedia of ed....	6 00

Total	\$325 91
-------------	----------

1880.

Mileage.

February	14. Students, mileage.....	\$53 43
July	5. Students, mileage.....	46 50

Total	\$99 93
-------------	---------

1879.

Miscellaneous.

November	21. W. W. Scott & Son, hardware	\$11 36
November	21. C. F. White & Co., printing	41 34
November	21. W. Haywood, labor.....	6 50
November	21. W. McKinstry & Son, printing.....	30 26

1880.

February	4. A. Geiger, tuning piano....	\$2 00
February	4. Secretary, disbursements.....	12 70
February	4. E. R. Andrews, blank-books.	29 00
February	4. Principal, balance disbursements (last year)	42 80
February	14. A. Geiger, tuning piano.....	2 00

1880.

February	14.	W. McKinstry & Son, printing.....	\$48 51
February	14.	C. F. White & Co., printing.....	17 93
April	17.	National Gas Co., plumbing.....	4 66
April	17.	W. McKinstry & Son, printing.....	37 05
April	17.	C. F. White & Co., printing.....	20 38
July	5.	Gavit & Co., diplomas.....	18 30
July	5.	P. H. Stevens & Co., ribbon.....	8 50
July	5.	Secretary, paid postage.....	18 92
July	5.	C. F. White & Co., printing.....	30 40
July	5.	W. McKinstry & Son, printing.....	56 25
July	5.	Principal, disbursements.....	44 57
Total.....			<u>\$473 43</u>

1879.

Paid from Tuition Fund.

December	24.	R. H. Shankland & Co., advertising..	\$3 25
December	24.	Parker & Hendricks, advertising.....	6 40
December	24.	Ferrin & Weber, advertising.....	3 75
December	24.	A. B. Fletcher, advertising.....	10 00
December	25.	Rural Home Co., advertising.....	27 00
December	24.	F. G. Stebbins, advertising.....	2 50

1880.

July	5.	Paid to make up deficiency in amount from State to pay bills audited	13 72
Total.....			<u>\$66 62</u>

RECAPITULATION.

Salaries of teachers and janitor.....	\$15,700 00	
Fuel and light.....	454 63	
Repairs and improvements.....	965 41	
Books and apparatus.....	325 91	
Mileage to students.....	99 93	
Miscellaneous.....	473 43	
		<u>\$18,019 31</u>
Less amount paid from tuition fund.....		13 72
		<u>\$18,005 59</u>
Total from appropriation.....		66 62
Total from academic fund.....		
		<u>\$18,072 21</u>
Total expenditures.....		117 53
Amount in hands of Local Board.....		
		<u>\$18,189 74</u>

TUITION ACCOUNT.

Receipts.

Received, academic department.....	\$140 40	
Received, intermediate department.....	35 36	
Interest on deposit of tuition.....	8 89	
Total		\$184 15

Disbursements.

Disbursements, December 24, 1879	\$52 90	
Disbursements, July 5, 1880	13 72	
Total		66 62
Amount in hands of Treasurer Local Board.....		\$117 53

STATE OF NEW YORK, }
Chautauqua County, } ss.:

Lorenzo Morris, president, and Louis McKinstry, secretary, of the Local Board of the State Normal and Training School at Fredonia, being duly sworn, say, and each for himself says, that the foregoing report is true according to his best knowledge and belief.

L. MORRIS, *President.*

L. McKINSTRY, *Secretary.*

Sworn to before me, this 17th }
 day of December, 1880. }

J. S. LAMBERT, *Notary Public.*

(S.)

NINTH ANNUAL REPORT OF THE LOCAL BOARD OF THE STATE NORMAL AND TRAINING SCHOOL AT GENESEO.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—The Local Board of the State Normal and Training School at Geneseo, in accordance with the requirements of law, herewith transmits its ninth annual report.

ATTENDANCE.

The number of pupils registered in the several departments of the school during the year ending September 30, 1880, was as follows:

Normal department.....	394
Academic department.....	136

Intermediate department	181
Primary department	200
Total	911

GRADUATES.

The whole number of graduates is :

Males	47
Females	123
Total	170

The number of graduates during the year was :

Males	3
Females	15
Total	18

GRADUATES OF 1880.

Kittie W. Allen	Geneseo, Livingston county.
M. Elizabeth Allen	Geneva, Ontario county.
Frank H. Ames	DeRuyter, Madison county.
Minnie A. Curtis	Geneseo, Livingston county.
Bertha J. Curtis	Geneseo, Livingston county.
Etta M. Conklin	Mt. Morris, Livingston county.
Anna Craig	Churchville, Monroe county.
Jennie C. Dickey	Marshall, Michigan.
Hattie C. Gray	Geneseo, Livingston county.
Libbie V. Griswold	Geneseo, Livingston county.
Emma Higgins	Moscow, Livingston county.
J. Melton Hall	Branchport, Yates county.
Worthy H. Kinney	Belfast, Allegany county.
Myrta B. Mason	Geneseo, Livingston county.
Alida McClave	Wayland, Steuben county.
Lucy A. Palmer	Oramel, Allegany county.
Lillian M. Scofield	Scottsville, Monroe county.
Minnie J. Walker	Geneseo, Livingston county.

LOCAL BOARD.

Hon. James Wood, president; Dr. Walter E. Lauderdale, secretary; Hon. Hezekiah Allen, treasurer; Col. John Rorbach, Adoniram J. Abbott, Hon. Solomon Hubbard, Hon. James W. Wadsworth, Ephraim F. Curtiss, William A. Wadsworth.

FACULTY.

The changes in the corps of instructors, during the year, were as follows; Miranda S. A. Kelsey resigned, and Cynthia U. Weld was

appointed in her place; Anna B. Sherwood resigned, and Laura Rose was elected to fill the vacancy; Mrs. W. K. Walker resigned, and Mrs. J. L. Fraley was chosen as her successor.

The following list gives the names of the present teachers and their departments:

Wm. J. Milne, Ph. D., LL. D., Principal, Didactics and Moral Philosophy.

Jerome Allen, A. M., Natural Sciences.

Reuben A. Waterbury, A. M., Mathematics.

John M. Milne, A. B., Ancient Languages.

Miss Cynthia U. Weld, A. M., Preceptress, Rhetoric and Composition.

Mrs. Sara F. Fletcher, Grammar and Elementary Methods.

Miss Jennie C. Coe, Mathematics and History.

Miss Mary E. Burns, Geography and Composition.

Miss Myra P. Burdick, Critic and Head Teacher of Intermediate Department.

Miss Delia M. Van Derbelt, Critic in Intermediate Department.

Miss Lizzie McBride, Critic and Head Teacher in Primary Department.

Mrs. Phebe B. Minard, Critic in Primary Department.

Mrs. Henriette Gerke, German.

Miss Mary E. Parks, Vocal Music.

Miss Laura Rose, Elocution.

Miss Maria W. Chichester, Drawing and Painting.

Mrs. J. L. Fraley, Instrumental Music.

LOCATION.

The village of Geneseo is delightfully situated in the valley of the Genesee, thirty miles south of Rochester, on the railroad leading from Rochester to Dansville. Students living on the line of the New York Central railroad will take the cars to Rochester, and thence to Geneseo by the Erie railway. Students coming by the Erie railway will take the cars to Avon, and thence to Geneseo.

ADVANTAGES.

The school is supplied with a complete text-book library, containing, besides the works used in the school, others for reference. The students have free access to the Wadsworth Library, which contains nearly ten thousand volumes. There is, besides, a public reading-room, where can be found all the leading daily papers, papers on science, literature, art and religion, and all the monthlies and quarterlies; making it one of the most valuable aids to the student. The chemical and philosophical apparatus of the school is all new, and extensive enough to enable the student to perform all experiments of an elementary course.

BOARDING.

Board can be obtained in private families at rates varying from \$2.75 to \$3.50 per week, exclusive of washing. The boarding hall, in the Normal School building, is designed exclusively for ladies, in which board, including furnished room, fuel, lights and washing, is furnished at \$3.50 per week, payable quarterly, in advance.

On arriving at Geneseo, students should go immediately to the Normal School building, where they will meet some member of the faculty, who will render them all necessary assistance in securing boarding places.

FINANCIAL EXHIBIT.

Receipts.

Amount in hands of Local Board October 1, 1879 ..	\$308 96
Received from State Treasurer during the year ending September 30, 1880	18,050 56
Amount received for tuition	1,682 90
Total	\$20,042 42

Disbursements.

For teachers' salaries	\$13,795 00
For library, text-books and apparatus	555 11
For repairs and improvements	1,171 88
For other expenses	4,230 02
Amount in hands of Local Board September 30, 1880,	290 41
Total	\$20,042 42

DETAILED STATEMENT OF DISBURSEMENTS.

Teachers' salaries:

William J. Milne	\$2,500 00
Jerome Allen	1,600 00
Reuben A. Waterbury	1,600 00
John M. Milne	1,400 00
Miranda S. A. Kelsey	260 00
Cynthia U. Weld	735 00
Sara F. Fletcher	1,000 00
Myra P. Burdick	700 00
Anna B. Sherwood	600 00
Lizzie McBride	500 00
Jennie C. Coe	450 00
Mary E. Burns	450 00
Delia M. Van Derbelt	450 00
Phebe B. Minard	450 00

Mary E. Parks	\$300 00
Henriette Gerke	300 00
Maria W. Chichester	300 00
Willis Van Valkenburg	200 00

Total	<u>\$13,795 00</u>
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Library, text-books and apparatus:

Elmira Advertiser Association, binding	\$133 70
H. Thau, chemical apparatus	34 00
W. J. Milne, books	46 23
Geneva Optical Co., telescope	151 00
Charles Cooper & Co., chemicals	23 40
Whitehall, Tatum & Co., chemical apparatus	46 78
J. Rorbach, piano	120 00

Total	<u>\$555 11</u>
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Repairs and improvements:

J. B. Harris, Jr., labor	\$18 23
M. L. Perkins, painting, etc	61 00
M. A. Curtiss, manure, sand, etc	37 00
E. A. Livermore, lumber, lime, etc	61 99
A. Carpenter, lumber	53 06
A. W. Butterway, repairing furniture	7 75
E. W. Hudnutt, lumber	15 36
J. B. Gorham, slating blackboards	20 59
W. N. Baker, mason work	45 75
E. F. Curtiss, digging sewer	72 33
E. E. Doty, hardware and labor	206 66
Howe & Rogers, matting	61 84
S. C. Green, labor	15 55
A. W. Butterway, furniture	72 75
C. O. Beach & Co., carpet	15 22
R. D. Rockwell, sec. steam heating apparatus	135 80
H. Pearson, labor	4 20
Olmsted & Bishop, wall paper, etc	17 46
Geneseo Gas Light Co., gas pipe, fire brick, etc	23 71
H. Waltjen, frescoing	52 80
G. Brady, stone flagging	111 60
G. P. Barclay, furnace grates, etc	37 28
E. A. Pickard, painting	23 95

Total	<u>\$1,171 88</u>
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Other disbursements:

L. C. Morey, janitor, fourteen months	\$933 36
Mileage	328 43
Advertising	193 20

Freight, postage and express charges.....	\$21 66
J. Craig, coal and lumber.....	106 22
Mrs. L. C. Morey, labor.....	3 00
J. C. G. Haynes, supplies.....	70 59
Geneseo Gas Light Co., gas.....	218 98
Youngs Bros. & Co., hardware.....	2 25
W. W. Killip, telegraphing.....	1 61
R. H. Jones, labor.....	1 50
I. J. Stratton, pasteboard.....	50
Thomas Lovell, labor.....	100 01
Geo. Husted, labor.....	2 50
W. J. Dounce & Co., coal.....	1, 233 20
I. S. Jaqueth, labor.....	46 00
W. J. Milne, traveling expenses, etc.....	51 97
S. P. Allen, printing, etc.....	122 00
C. Chichester, duplicating materials.....	3 50
R. Bigelow, manure.....	4 00
L. C. Morey, trees and plants.....	32 34
Hersey & Co., stationery, chemicals, books, etc.....	36 06
W. E. Lauderdale, postage.....	4 50
Clapper Bros., wood.....	6 25
F. W. Mate, blacksmithing.....	8 70
Crossett & Sherwood, stationery, paints, books, etc..	205 59
J. Rorbach, rent of piano.....	60 00
Gavit & Co., diplomas.....	18 30
J. B. Harris, Jr., labor.....	3 60
W. W. Killip, tuning pianos, postage, etc.....	12 00
C. O. Beach & Co., ribbon.....	1 75
F. Leonard, teaming and plowing... ..	15 00
E. A. Livermore, drawing coal.....	80 00
Crossett & Sherwood, magazines, etc.....	100 40
Freight charges.....	24 97
Loss by James J. Cone.....	176 08
Total.....	<u>\$4, 230 02</u>

LIVINGSTON COUNTY, ss..

James Wood, president, and Walter E. Lauderdale, secretary, of the local board of the State Normal and Training School at Geneseo, being duly sworn say, and each for himself says, that he has examined the foregoing statement of receipts and disbursements, and believes the same to be in all respects correct.

JAMES WOOD,
WALTER E. LAUDERDALE.

Sworn before me, the 13th }
day of January, 1881. }

E. A. NASH, *Livingston County Judge.*

(T.)

ANNUAL REPORT OF THE OSWEGO STATE NORMAL AND TRAINING SCHOOL FOR THE YEAR ENDING SEPTEMBER 30, 1880.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—The Local Board of the Oswego State Normal and Training School herewith submit the annual report required by the provisions of law :

OFFICERS.

STATE DEPARTMENT OF PUBLIC INSTRUCTION.

NEIL GILMOUR, *Superintendent.*

Local Board.

Gilbert Mollison, President.

John K. Post, Secretary.

Daniel G. Fort, Treasurer.

Samuel B. Johnson,

Benjamin Doolittle,

Theodore Irwin,

George B. Sloan,

David Harmon,

Alanson S. Page,

John M. Barrow,

Delos De Wolf,

Thomas S. Mott,

Abner C. Mattoon.

FACULTY.

Changes that have occurred during the year.

Dr. Mary V. Lee was granted a leave of absence at the close of the spring term for two years, for the purpose of study and travel abroad. Miss Rose Whitney, at the same time, resigned her position as principal of the school of practice. The term for which Miss Margaret W. Morley was employed, as substitute for Mrs. H. H. Straight, expired. As Mrs. Straight found her health still insufficient to undertake her work, other arrangements had to be made. Some important changes have been made in the organization of the school of practice with the hope of making it more efficient. Prof. H. H. Straight has been made superintendent of the school, with Miss Sarah J. Walter as Principal Critic, and Miss Fannie C. Snow as Assistant. Miss Georgia A. Timerson has been transferred to the Junior department as principal, and Martha E. Churchill, to the Primary department as principal.

NAMES OF THE FACULTY, AS AT PRESENT ORGANIZED, WITH SUBJECTS ASSIGNED TO EACH.

Edward A. Sheldon, A. M., Ph. D., Principal, Didactics.

Henry H. Straight, A. M., Natural Sciences and Principal of School of Practice.

Isaac B. Poucher, A. M., Arithmetic, Algebra, and Methods of teaching Arithmetic.

Herman Krüsi, A. M., Geometry, History and Philosophy of Education, German and French.

Matilda S. Cooper, English Grammar, and Methods of teaching Grammar and giving object lessons.

Mary D. Moore, Latin, Greek and History.

Juliet A. Cook, Literature and Composition.

Ordelia A. Lester, Composition, Rhetoric, Spelling, and Vocal Music.

Sarah T. VanPetten, Drawing, Penmanship, Botany, and Methods of teaching Botany, Form and Drawing.

Amelia B. Myers, Reading, Gymnastics, Geography, Methods of teaching Reading, and to have charge of the Libraries.

Sarah J. Walter, Principal and Critic of School of Practice, and Methods of teaching Geography and Color.

Fannie C. Snow, Assistant Critic of School of Practice.

Georgia A. Timerson, Principal of Junior Department of School of Practice.

Martha E. Churchill, Principal of Primary Department of School of Practice.

John L. Babcock, Assistant in Department of Natural Science.

Ulric Thomson, Assistant in Department of Natural Science.

ATTENDANCE.

Number of pupils registered :

Normal School.....	444
School of Practice.....	383

Total	827
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Average number of pupils in attendance:

Normal School.....	251
School of Practice.....	249

Total	500
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DETAILED STATEMENT OF THE RECEIPTS AND DISBURSEMENTS OF THE LOCAL BOARD FOR THE YEAR ENDING SEPTEMBER 30, 1880.

Receipts and Assets.

Balance in hands of building committee,
being a part of the special appropriation
for the enlargement and repairs of the
school building..... \$8,414 74

Amount received by building committee
from Comptroller, being a part of the
special appropriation for building..... 16,210 90

Amount received from the Department of Public Instruction for current expenses of school.....	\$18,128 57	
Amount received from the First National Bank of Oswego to pay balance due teachers.....	255 49	
Total		<u>\$43,009 70</u>

Disbursements.

Teachers' wages:

Edward A. Sheldon	\$2,500 00	
Isaac B. Poucher	1,800 00	
Henry H. Straight	1,680 00	
Herman Krüsi	1,600 00	
Matilda S. Cooper	1,200 00	
Margaret W. Morley.....	600 00	
Mary V. Lee	1,200 00	
Ordellia A. Lester	800 00	
Mary D. Moore	800 00	
Juliet A. Cook	300 00	
Rose Whitney	450 00	
Sarah J. Walter	262 50	
Martha A. Keeler	87 50	
Georgia A. Timerson	25 00	
Total		<u>\$13,305 00</u>

Mileage account:

Mileage paid pupils.....	\$550 27	
Total		550 27

Apparatus account:

J. Zentmayer, botanical dissector	\$11 90	
Chase & Co., sharpening knives and shears for dissection	6 40	
S. Hawkrige, light and sound apparatus, ...	51 85	
Wheeler & Radcliff, casks and jars.....	2 45	
Total		<u>72 60</u>

Library account:

Henry Holt & Co., books.....	\$11 42	
R. J. Oliphant, repairing books.....	51 70	
John Allyn, Greek books.....	8 00	
Hamilton & Nelson, magazines	16 17	

N. Thomson, services at library	\$19 00
E. Steiger, books	7 78

Total

\$114 07

Expense accounts :

Frank Halligan, labor	\$17 50
Chas. Newell, repairing hall	170 40
Papyrograph Co., ink and paper	10 00
P. Malone, services as janitor	584 00
P. Malone, disbursements for freight	8 73
P. Heron, labor	4 00
Chas. Gibbs, labor	8 50
D. Quinlan, fire brick and clay	4 83
A. T. Bell, carpenter work and materials,	59 14
J. Cotter, for plumbing and materials ...	353 12
Oswego Board of Education, teachers' registers	8 00
G. H. Hees, papering and decorating hall,	250 00
A. G. Cook, coal	566 00
R. J. Oliphant, stationery	39 04
Gibbs & Rogers, repairing hall, making wardrobe and case	410 36
A. C. Picken, repairing and painting	95 67
Geo. Skinner, painting roof, etc	74 70
E. A. Sheldon, disbursements	96 34
Oswego Water Works Co., water rent ...	119 90
Smith & Leib, hardware	7 23
A. R. Penfield, lumber	193 48
Peck & Schilling, piano tuned	5 00
F. Moran, labor	3 00
W. Witham, numbering doors and books,	18 86
Oswego Savings Bank, rent	25 00
J. Alton, sawdust	5 00
Henry Deslin, labor	2 50
James Mahony, labor	2 50
Oswego Gas Light Co., gas and coal	30 95
Hart & Massey, toweling and cleaning, fitting and laying carpets	10 60
Kinyon & Co., tin roofing	338 63
Smith & Warsop, ventilating chimney top	15 00
Collins & Co., hardware	91 36
Ames' Iron Works, grates and labor	84 04
H. S. Jenne, lumber	8 90
Hamilton & Nelson, paper and baskets ..	5 15
Vulcan Iron Works Co., casting pipes ...	1 25
C. H. Butler, brushes, brooms and black-board material	61 04

F. J. Don, pulleys and pails.....	\$4 20
C. T. Raynolds & Co., preservative	15 39
Gavit & Co., diplomas	14 85
William Kniffin, carpenter work.....	37 35
Chas. Kniffin, carpenter work	85 35
L. L. Gordon, ribbon for diplomas	7 50
A. C. Mattoon, flowers and piano rent ...	34 20
T. Fitzsimmons, labor.....	7 00
G. Carey, labor	4 00

Total	\$3,999 56
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Furniture account :

A. C. Pickert, repairing furniture	\$189 54
P. McCaffrey, repairing chair and cushion,	2 00
Henry Ward, plans and specifications for	
cases	50 00
T. Austin, furniture	25 00
Paine & Hunter, repairing furniture....	56 02
Louis Lavonier, repairing furniture	20 00

Total	342 56
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Total amount of current expenses	\$18,384 06
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Special Appropriation for repairing and enlarging the Normal School Building.

Gibbs & Rogers	\$16,691 04
N. Williams	872 27
Chas. Kniffin	78 75
Louis Lavonier	25 00
Geo. Kniffin	30 00
Paine & Hunter	191 50
W. S. Norton.....	10 00
Robert Bain	10 00
E. A. Sheldon	34 98
C. Newell	1,939 71
P. Malone	182 46
T. Kingsford	449 89
J. K. Post	114 28
Kinyon & Co.....	163 33
J. Cotter	1,019 91
Wm. Bockus	3 52
Ames' Iron Works	22 95
Thos. Austin	237 20
A. C. Pickert.....	117 53
C. A. Cummings	175 50
A. J. Warner.....	372 00

O. M. Blanchard & Co.....	\$7 90
C. T. Reynolds	23 00
Lake & Bassett	2 75
County clerk	25
William Kniffin.....	68 25
M. Sheridan	6 50
A. R. Penfield	167 13
Van Horn & Co	6 30
J. Hughes & Co	70 65
P. Fennell	406 25
J. Smith & Co.....	38 85
D. Quinlan.....	4 00
Collins & Co	134 58
A. T. Bell.....	46 42
Jesse King	96 55
Buffalo Hardware Co	763 42
A. J. Hopkins	40 00
Irwin & Sloan	93
Total	\$24, 625 64
Total, including current and building expenses..	\$43, 009 70

GILBERT MOLLISON, *President.*
J. K. POST, *Secretary.*

CITY AND COUNTY OF OSWEGO, ss.:

Before me, William Boon, a notary public, in and for the county of Oswego, State of New York, personally appeared Gilbert Mollison and J. K. Post, and made affidavit that the above statement is correct.

WILLIAM BOON,
Notary Public.

APPENDIX.

Number of pupils registered during the year:

Males.....	70
Females.....	374
Total	444

Average age of pupils in attendance during the year:

Males.....	21
Females.....	21

Number of graduates during the year:

Males.....	5
Females.....	58
Total	63

Number of graduates since the school was established:

Males.....	86
Females.....	862
Total	948

GRADUATES FOR TERM ENDING FEBRUARY 4, 1880.

Elementary English Course.

Cornelia F. Blanch,	Elma E. Perkins,
Harriet E. Dowd,	Sarah A. Reed,
Ida S. Dunning,	Lucy M. Robinson,
Ida L. Griffin,	Mary E. Royall,
Florence N. Markham,	Fannie C. Snow,
Emma L. Mastin,	Carrie A. Streeter,
Laura K. Peene,	Emma J. Thompson,
Fannie M. Wood.	

Advanced English Course.

Fanny N. Manly,	Sarah T. Van Petten.
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CLASS MOTTO — "STRENGTH BY WORK."

PROGRAMME, FEBRUARY 4, 1880, 2 P. M.

Reading of Scriptures and Prayer..... Rev. David Tully.

Music.

Instrumental Duet — "Waves of the Ocean" (Blake) Misses Royall and Crane.

Essay — "Foundations"..... Sarah A. Reed.

Lesson with Children — Geography..... Cornelia F. Blanch.

Music.

Vocal Solo — "Sing, Sweet Bird" (Ganz)..... Florence N. Markham.

Essay — "Germs"..... Ida L. Griffin.

Essay — "Colored Lights"..... Lucy M. Robinson.

Music.

Quartette.....

Essay — "Character"..... Fanny L. Manly.

Recitation — "Archie Dean"..... Florence N. Markham.

Essay — "An Experiment in Education"..... Sarah T. Van Petten.

Music.

Vocal Solo — "O Fair Dove" (Gatty)..... Carrie A. Streeter.

Essay — "Symbolisms in Nature"..... Fannie C. Snow.

Criticism of Geography Lesson, conducted by..... Emma L. Mastin.

Conferring of Diplomas.....

Music.

Class Song Words by Emma L. Mastin. Music from the German.

BENEDICTION.

GRADUATES FOR TERM ENDING JULY 6, 1880.

Elementary English Course.

Jessie Bell Beman,	Maud Amanda Miller,
Margaret J. Clark,	Kate Moulton,
Anna R. Cole,	Jennie Frances Nash,
Annie T. Collins,	Mary E. Perry,
Martha E. Cox,	Kate L. Preston,
Olive Cuddeback,	Annie Phillips,
Carrie C. Doyle,	Jane E. Phillips,
Elizabeth M. Edmonds,	Mary G. Rhoads,
Minnie Ursula Fish,	Evelina E. Richardson,
Julia M. Fisk,	Elizabeth S. Smith,
Anna S. Griswold,	Mary S. Southwell,
Addie Laura Hays,	Orie D. Storms,
Mary Estelle Hickok,	Ada E. Talbot,
Carrie Herrick,	Minerva G. Treadway,
Katharine L. Hitchcock,	Marie E. Wilcox,
Hattie E. Hunt,	Alida A. Willet,
Micah Howell,	Ida H. Wood,
	Martha I. Wood.

Advanced English Course.

Hugh H. Brodie,	Mary A. McFarland,
Lucy M. Robinson,	Mary A. Slattery,
Otis E. Pearce,	Uldrie Thomson.

Classical Course.

John L. Babcock,	Helen Cooley,
Abigail L. Collins,	Elizabeth R. Merrill,
	Katharine D. Woodward.

PROGRAMME, JULY 5, 1880.

AFTERNOON — 2 P. M.

Reading of Scriptures and Prayer Rev. C. H. Watson.

*Music.*Instrumental Duet — "Spinnerlied" (Spinning Song) Wagner.
Misses Herrick and McFarland.Words of Welcome, and Essay — Utopia Alida A. Willet.
Essay — Common Things Annie T. Collina.*Music.*

Tenor Solo E. Fen Gardner.

Essay — { "We go up" } Hattie E. Hunt.
 { "So we do." }

Recitation — From "Mary Stuart" (Schiller) Mary E. Perry.

Essay — Temple Vails Abigail L. Collins.

Music.

Soprano Solo — "Judith" (Concone)	Sophie Ould.
Essay — The Novel	Elizabeth R. Merrill.
Essay — Art	Mary A. McFarland.

Music.

Chorus "Gypsy Life" (Schumann)	
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PROGRAMME, JULY 6, 1880.

MORNING — 9 A. M.

Reading of Scriptures and Prayer	Rev. H. H. Stebbins.
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Music.

Chorus — "Night's Shade no Longer"	
Essay — Inequalities of Fortune	Carrie C. Doyle.

LESSONS WITH CHILDREN IN RECITATION ROOMS.

Geography — B Junior, No. 43	Ada E. Talbot.
Number — C Primary, No. 34	Mary G. Rhoads.
Reading — A Primary, No. 35	Anna S. Griswold.
Composition — B Junior, No. 36	Elizabeth M. Edmonds.
Color — C Primary, No. 37	Minnie U. Fish.
Natural History — A Primary, No. 40	Helen Cooley.

EXERCISES IN THE HALL.

Music.

Soprano Solo — "She Wandered Down the Mountain Side" ...	Anna R. Cole.
Essay — A Superficial Sketch of Socrates	Uldric Thomson.

LESSONS WITH CHILDREN IN RECITATION ROOMS.

Geography — B Junior, No. 43	Jane E. Phillips.
Botany — A Junior, No. 34	Orie D. Storms.
Reading — A Primary, No. 35	Anna R. Griswold.
Composition — B Junior, No. 36	Jennie F. Nash.
Reading — Sentence Method — C Primary, No. 37 ..	Carrie Herrick.

EXERCISES IN THE HALL.

Music.

Instrumental Solo — Fantasie Elegante from Faust (Leybach),	M. Estelle Hickok.
Essay — Self	Marie E. Wilcox.
Essay — The Dark Side of, the Picture, with Valedictory ...	John L. Babcock.

Music.

Vocal Trio — "Rest on this Mossy Pillow"	(Smart.)
Misses Rockfellow, Bulkley and Hitchcock.	

CONFERRING OF DIPLOMAS.

Parting Song	
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BENEDICTION.

ALUMNI MEETING, JULY 6, 1880.

PROGRAMME, TUESDAY — 2 P. M.

Reading of Scripture and Prayer..... Rev. M. D. Kinney.

Music.

Anthem — Inspirer and Hearer of Prayer
 Reading of Minutes of Last Meeting..... Ida J. King.
 Words of Welcome..... Gilbert Mollison.
 Response W. Scott Smith.
 Alumni Report..... F. Elizabeth Sheldon.

Music.

Quartette — Greeting to Spring
 Reports from Class Officers
 Recitation — Old Robin Amelia B. Myers.

Music.

Vocal Solo Kate A. Mattison.
 Paper — Public School Reform..... Jennie H. Stickney.
 Discussion.....

Music.

Auld Lang Syne Members of Alumni.

AULD LANG SYNE.

Should old acquaintance be forgot,
 And never brought to mind,
 Should old acquaintance be forgot,
 And songs of auld lang syne?
 For auld lang syne we meet to-day,
 For auld lang syne;
 To sing the songs our fathers sung
 In days of auld lang syne.

We've passed through many varied scenes,
 Since youth's unclouded day;
 And friends, and hopes, and happy dreams,
 Time's hand hath swept away.
 And voices that once joined with ours,
 In days of auld lang syne,
 Are silent now and blend no more
 In songs of auld lang syne.

But when we've crossed the sea of life,
 And reached the heavenly shore,
 We'll sing the songs our fathers sung,
 Transcending those of yore;
 We'll meet to sing diviner songs
 Than those of auld lang syne;
 Immortal songs of praise, unknown
 In days of auld lang syne.

(U.)

TWELFTH ANNUAL REPORT OF THE LOCAL BOARD
 OF THE STATE NORMAL AND TRAINING SCHOOL
 AT POTSDAM.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR. — The Local Board of the State Normal and Training School at Potsdam, in accordance with the requirements of law, hereby transmits its twelfth annual report.

ATTENDANCE.

The number of pupils registered, during the year, was as follows :

Normal pupils	342
Pupils in practicing school.....	184
Pupils who paid tuition	28
Total	<u>554</u>

GRADUATES.

Whole number of Normal graduates since the school was established :

Males.....	53
Females.....	133
Total	<u>186</u>

GRADUATES OF 1879-'80.

William C. Bicknell.....	Potsdam, St. Lawrence Co.
Elizabeth Clifford.....	Potsdam, St. Lawrence Co.
William H. Clark.....	Madrid, St. Lawrence Co.
Emma Goodspeed.....	Ellenburg Center, Clinton Co.
Ezra P. Axtell	Pierrepont, St. Lawrence Co.
Jane F. Butrick	Morristown, St. Lawrence Co.
Lilian Church	Morristown, St. Lawrence Co.
Herbert J. Jones	Madrid, St. Lawrence Co.
Celia E. La Faive.....	Redwood, Jefferson Co.
L. Anna Peppers	Potsdam, St. Lawrence Co.
Clara M. Russell.....	Massena, St. Lawrence Co.
Henry A. Watkins.....	Potsdam, St. Lawrence Co.
James F. Williams.....	Bedford, Westchester Co.

LOCAL BOARD.

Henry Watkins, A. M., President.
 Hon. A. X. Parker, Secretary.
 Geo. Z. Erwin, A. M., Treasurer.

Jesse Reynolds, M. D.,	Gen. E. A. Merritt,
Roswell Pettibone, A. M.,	Wm. A. Poste, A. M.,
Hon. John I. Gilbert, A. M.,	A. G. Gaines, D. D.

FACULTY.

The following changes have taken place in the faculty since the last report :

Miss Frances A. Parmeter, principal of the primary department, Miss Emily M. Dayton, teacher of Composition and French, and Miss Alice E. Hartness, Critic in the intermediate and primary departments, resigned June 29, 1880. Miss Elizabeth Hargrave has

been made principal of both the intermediate and primary departments. She is assisted in the management of the primary department by Miss Jane F. Butrick, and in the intermediate department by Mr. Herbert J. Jones, both graduates of last class. The work in composition has been assigned to Miss Maggie C. Milne, and in French to Miss Mary M. Kyle. Miss Amelia Morey has returned after an absence of one year, and has resumed her work as preceptress and teacher of school economy and primary and grammar methods. Mr. Henry A. Watkins and Miss Lilian Church, both graduates of last class, are employed to assist in teaching arithmetic, grammar and geography. Miss Butrick, Mr. Jones, Mr. Watkins and Miss Church are not members of the faculty. They are employed as assistants at a nominal salary, and continue, under the guidance of the faculty, to advance in professional work.

The members of the present faculty and their departments of instruction, are as follows:

M. MacVicar, Ph. D., LL. D., Principal, Philosophy of Education.

Henry L. Harter, A. M., Vice-Principal, Ancient Languages.

Warren Mann, A. M., Natural Sciences.

Frank E. Hathorne, Vocal and Instrumental Music.

Charles C. Townsend, A. B., Methods in Geography and Arithmetic and Criticism.

Wm. D. Marsh, A. B., Mathematics.

George C. Shutts, Rhetorical Work and Arithmetic.

Amelia Morey, Preceptress, School Economy, Grammar and Primary Methods and Criticism.

Mary L. Wood, Reading, Gymnastics, Methods in Reading and Criticism.

Mary M. Kyle, French, English Literature, History and Drawing.

Elizabeth Hargrave, Principal of Practicing School, and Criticism.

Maggie C. Milne, English Grammar, Composition and Criticism.

FINANCIAL STATEMENT.

Receipts.

Received from the State during the year.....	\$17, 871 87
Received for tuition	391 00
Received from all other sources.....	104 42
Amount in hands of Local Board, October 1, 1879..	401 02
Total	<u>\$18, 768 31</u>

Disbursements.

Salaries of teachers and assistants.....	\$14, 140 00
Janitor's salary	650 00
Amount paid for library, text-books and apparatus ..	565 74
Amount paid for repairs and improvements.....	1, 412 17

Amount paid for other contingent and miscellaneous bills	\$1,985 49
Amount in hands of the Local Board, September 30, 1880.....	14 91
Total	<u>\$18,768 31</u>

DETAILED STATEMENT OF EXPENDITURES.

Teachers' salaries.

Malcolm MacVicar	\$2,500 00
Henry L. Harter	1,600 00
Warren Mann	1,400 00
Frank E. Hathorne	300 00
Charles C. Townsend	1,200 00
William D. Marsh.....	800 00
George C. Shutts	800 00
Mary L. Wood	800 00
Mary M. Kyle	1,000 00
Frances A. Parmeter.....	700 00
Elizabeth Hargrave.....	700 00
Emily M. Dayton	600 00
Alice E. Hartness	600 00
Maggie C. Milne	600 00
M. Amelia Qua	400 00
William H. Clark	70 00
Emma Goodspeed	70 00
Total	<u>\$14,140 00</u>

Amount paid for library, text-books and apparatus.

Harper & Bros., books	\$11 64
Taintor Bros., Merrill & Co., books	16 20
Clark & Maynard, books	17 68
Henry Holt & Co., books	15 81
Oliver Ditson & Co., books.....	36 00
Charles Scribner's Sons, books and cyclopædias.....	117 78
Ginn & Heath, books	40 27
Sheldon & Co., books	37 07
MacMillan & Co., books	39 62
Iverson, Blakeman, Taylor & Co., books.....	56 80
Eldridge & Bros., books.....	15 78
H. F. Lawrence estate, books.....	7 00
D. Appleton & Co., books	47 26
J. H. Seeley, books	15 00
Baker, Pratt & Co., books.....	22 65
James Noble, binding magazines	14 18
Thos. H. McAllister, microscopical attachment.....	55 00
Total	<u>\$565 74</u>

Amount paid for other expenses.

Elliott Fay, postage.	\$36 53
L. Ingalls, blank record books	119 50
Am. Ex. and Mont. Tel. Co., expressage and tele- graphing	35 84
M. MacVicar, expenses to Buffalo	18 36
Geo. N. Benedict, tuning piano	3 00
J. S. Taft & Co., flower pots	13 96
Batchelder & Sons, furniture and repairs	48 54
H. D. Thatcher, chemicals and supplies	87 55
E. D. Brooks, carpet	36 65
Ives & Mathews, labor on fountain	243 63
H. Latty, cartage	8 60
D. A. B. Bailey, repairs	5 65
Amos Wright, painting	199 00
John Hurley, labor	11 58
George W. Bonney, petroleum	10 90
Cephas G. Rogers, repairs on building	74 47
Ira Ransom, repairs on building	60 20
Chas. W. Leete, repairs and material	103 98
J. W. Fiske, fountain	199 67
John McGilvery, freight and cartage	19 24
Dennis Hurley, labor on fountain	46 44
Lewis Carbino, labor on fountain	28 70
Jas. Heath, drawing gravel	4 00
Potsdam Sandstone Co., stone	80 00
Geo. B. Swan, lumber	66 50
Cutting & McCormick, fence	58 50
Peter Anstead, labor and material	18 61
H. S. Munson, carting	10 00
Walling & Wood, hardware	3 65
J. H. Seeley, stationery	34 30
Gavit & Co., diplomas	14 90
V. W. Willson, repairs	2 90
Hawkins & Son, printing	30 75
Garlick & Munson, labor and material	7 24
Partridge & Abbott, making book, graduates	2 00
N. E. Clark, wood	90 56
Carlton Dayton, wood	70 00
Edwin Harris, wood	17 50
Benjamin Butterfield, wood	88 81
Gaylord B. Lewis, janitor's services, and sawing and putting in wood	687 50
Woolworth & Graham, stationery	52 03
Fay & Sweet, printing	55 00
Warren Mann, printing ink	3 35
H. L. Harter, mileage and flower beds	238 58
Peter Henderson, plants and bulbs	18 21
F. P. Mathews, labor and material	12 38

H. R. Leete, labor in town hall, Grad. Ex	\$15 00
F. E. Hathorne, bass string	2 62
Lewis De Liel, paving around fountain	8 00
C. H. Pierce, music, tuning pianos and instruction...	31 25
C. M. Foote, clerk hire	30 00
Total	<u>\$3,166 13</u>

Amount paid from tuition fund.

Fred C. Herrington, orchestral instruction	\$25 00
Water commissioners, superintendent, water rent....	50 00
H. J. Jones, keeping records	60 00
H. L. Harter, reading-room expenses	75 09
F. E. Hathorne, music	15 49
M. MacVicar, expenses to Quincy	24 80
C. H. Pierce, instruction in orchestra and music	127 60
Perrigo & Peck, insurance	344 25
S. Lando, labor	5 00
S. A. Redway, insurance	124 30
Clark M. Foote, keeping records	30 00
Total	<u>\$881 53</u>

ST. LAWRENCE COUNTY, ss.:

Henry Watkins, President, and Abraham X. Parker, Secretary, of the Local Board of the State Normal and Training School at Potsdam, being duly sworn, say, and each for himself says, that he has examined the foregoing account, and believes the same to be in all respects correct and just.

H. WATKINS,
A. X. PARKER.

Subscribed and sworn to before me, }
this 4th day of October, 1880. }

JOHN G. McINTYRE, *Notary Public.*

(V.)

NORMAL SCHOOL CIRCULAR.

The following is substantially the common form of circular for each of the State Normal and Training Schools, located respectively at Brockport, Buffalo, Cortland, Fredonia, Geneseo, Oswego and Potsdam:

STATE OF NEW YORK:
DEPARTMENT OF PUBLIC INSTRUCTION,
SUPERINTENDENT'S OFFICE,
ALBANY, *January 1, 1881.*

To the School Commissioners and City Superintendents of Schools:

Your attention is respectfully invited to the following announcement, relating to the State Normal and Training School at ———.

The design of the school is to furnish competent teachers for the public schools of the State.

Each county is entitled to twice as many pupils as it has representatives in the Assembly. For the want of qualified candidates the quotas of some counties may not be filled, while the number of eligible applicants from other counties may be greater than their quotas. Therefore you need not limit your recommendations to any prescribed number, but encourage worthy and aspiring young men and women, who are qualified and intend to make teaching their vocation, to attend this school.

To gain admission to the school, pupils must be at least sixteen years of age, and possess good health, good moral character and average abilities. They must pass a fair examination in reading, spelling, geography, and arithmetic as far as the roots, and be able to analyze and parse simple sentences.

All appointments for admission are made by the State Superintendent of Public Instruction, subject to the required examination, upon the recommendation of the several School Commissioners or City Superintendents of Schools, whose duty it is to use every reasonable means to secure the selection of suitable candidates.

It is suggested that you advertise where you will meet and examine applicants for appointments, at a time not later than fifteen days before the opening of the term. Recommendations should be made as early as practicable, and be mailed promptly to the Superintendent of Public Instruction at Albany.

FORM OF RECOMMENDATION.

To the Superintendent of Public Instruction:

..... hereby recommend of in the county of
aged ... years, as possessing the health, scholarship, mental ability and moral
character requisite for an appointment to the State Normal and Training School
at

School Comr. District of the County of

[Dated.]

SPECIAL PRIVILEGES OF PUPILS.

Tuition and the use of all text-books are free. Students will be held responsible, however, for any injury or loss of books. They are advised to bring with them for reference any suitable books they may have. The amount of fare necessarily paid on public conveyances in coming to the school will be refunded to *those who remain a full term.*

TERMS AND VACATIONS.

The year is divided into two terms of twenty weeks each. The fall term commences on the second Wednesday in September, and the spring term on the second Wednesday in February. There will be an intermission for a week during the holidays.

All pupils should be present promptly at the opening of the term.

The examination for admission and classification will commence on Wednesday, and a failure on the part of candidates to be present at that time will subject them and the teachers to the inconvenience of a private examination.

COURSES OF INSTRUCTION.

ELEMENTARY ENGLISH COURSE.

First Year.

First Term.—Arithmetic, grammar, geography, reading (last half), spelling and impromptu composition, linear drawing (daily), penmanship (last half), vocal music (first half), light gymnastics (daily).

Second Term.—Arithmetic, grammar and analysis (first half), botany (second half), rhetoric and English literature, reading (first half), physiology and zoölogy (first half), United States history (second half), object and perspective drawing, composition (semi-weekly), penmanship (first half), vocal music (second half), light gymnastics (daily).

Second Year.

First Term.—Philosophy and history of education, school economy, civil government and school law, methods of giving object lessons and of teaching the subjects of the elementary course, declamations, essays and select readings.

The object lessons include lessons on objects, form, size, color, place, weight, sound, animals, plants, human body and moral instruction.

Second Term.—Practice in training school, essays, select readings or declamations.

ADVANCED ENGLISH COURSE.

Students to be admitted to this course must pass a satisfactory examination in all the studies of the first year in the elementary English course.

First Year.

First Term.—Algebra, natural philosophy, general history, light gymnastics, geometry. compositions, declamations, botany (half term), select readings.

Second Term.—Algebra, book-keeping, physical geography, chemistry, geometry and trigonometry, light gymnastics, compositions, declamations and select readings.

Second Year.

First Term.—Same as the first term of the second year of the elementary English course.

Second Term.—Moral philosophy, compositions, mineralogy and geology, practice in training school, methods in higher studies, light gymnastics.

CLASSICAL COURSE.

Students to be admitted to this course must pass a satisfactory examination in all the studies of the first year in the elementary English course.

First Year.

First Term.—Algebra, geometry, general history, light gymnastics, botany (half term), Latin, compositions, declamations and select readings.

Second Term.—Algebra, light gymnastics, book-keeping, Latin, physical geography, astronomy, geometry and trigonometry, compositions, declamations and select readings.

Second Year.

First Term.—Latin, light gymnastics, natural philosophy, Greek or modern languages, compositions, declamations and select readings.

Second Term.—Latin, moral philosophy, chemistry, light gymnastics, Greek or modern languages, compositions, declamations and select readings.

Third Year.

First Term.—Latin, philosophy of education, Greek or modern languages, light gymnastics, methods of giving object lessons and of teaching the subjects in the elementary English course, compositions, declamations and select readings.

Second Term.—Latin, compositions, Greek or modern languages, methods in higher studies, mineralogy and geology, practice in training school.

DIPLOMA.

Students who satisfactorily complete either of the above courses will receive corresponding diplomas, which will serve as licenses to teach in the public schools of the State.

It will be seen by the preceding courses of study that students who have thoroughly mastered the subjects named in the first year of the elementary English course can, in two years, complete the advanced English course, or, in three years, the classical course.

Students may be admitted to any class on examination, but no person can graduate from any one of the prescribed courses without passing through the last two terms of that course.

CONCLUSION.

Allow me to urge you to use all proper means to extend information in regard to this school, that young persons who possess the requisite qualifications may be induced to participate in its benefits. Your experience must bear witness that the greatest need of the common schools is the service of more teachers who are thoroughly qualified, and I confidently trust that you will give a cheerful and prompt response to this call for your official action.

NEIL GILMOUR,
Superintendent of Public Instruction.

(W.)

LIST OF SCHOOL COMMISSIONERS IN THE STATE OF NEW YORK.

FOR THE TERM COMMENCING JANUARY 1, 1879.

Counties.	Dists.	Names.	Post-offices.
Albany	1.	Alexander R. Baker.....	Cedar Hill.
	2.	Rufus T. Crippen.....	Rensselaerville.
	3.	Chas. E. Sturges.....	Knox.
		Chas. W. Cole (City Supt.)..	Albany.
		I. Hiller (President Board of Education).....	Cohoes.
		A. J. Robb (City Supt.)....	Cohoes.
Allegany	1.	George W. Tibbets	Belfast.
	2.	Albert Boardman Cottrell...	Richburg.
Broome	1.	Charles E. Fuller.....	Conklin Station.
	2.	Stephen D. Wilbur	Binghamton.
		M. L. Hawley (Sec. Board Ed.)	Binghamton.
Cattaraugus..	1.	J. Henry Shallies.....	Sandusky.
	2.	Joel. J. Crandall.....	Little Valley.
Cayuga	1.	Will C. Hopkins	Meridian.
	2.	Peter Sutphen	Cayuga.
		Benjamin B. Snow (Secretary Board of Education)	Auburn.
Chautauqua..	1.	Chas. H. Wicks	Panama.
	2.	J. Ebenezer Almy	Sinclairville.
Chemung ...		J. S. Van Duzer.....	Horseheads.
		M. M. Merrell (City Supt.)..	Elmira.
Chenango ...	1.	Leroy C. Hayes.....	Norwich.
	2.	Jesse E. Bartoo.....	Coventry.
Clinton	1.	John B. Riley.....	Plattsburgh.
	2.	Alexander Bertrand.....	Plattsburgh.

Counties.	Dists.	Names.	Post-offices.
Columbia . . .	1.	Amasa P. Lasher	Germantown.
	2.	George V. Bushnell	Hillsdale.
		Wm. P. Snyder (City Supt.).	Hudson.
Cortland	1.	Wm. D. Tuttle	Cortland.
	2.	Jerome J. Woodruff	Homer.
Delaware	1.	George S. Bartlett	Masonville.
	2.	James H. McIntosh	Delhi.
Dutchess	1.	John F. Schlosser	Fishk'l-on-Huds'n.
	2.	Martin W. Collins	Rhinebeck.
		Edward Burges (City Supt.).	Poughkeepsie.
Erie	1.	H. K. Fullerton	Alden.
	2.	George Abbott	Hamburg.
	3.	John A. Wells	Gowanda, Catt. Co.
		Chris. G. Fox (City Supt.).	Buffalo.
Essex	1.	John T. Heald	Upper Jay.
	2.	Luther B. Newell	Westport.
Franklin	1.	Sheldon A. Ellsworth	Burke Centre.
	2.	David D. D. Dewey	Moir.
Fulton		David D. Crouse	Broadalbin.
Genesee		Charles V. Hooper	Batavia.
Greene	1.	Clarence E. Bloodgood	Catskill.
	2.	George Townsend	Greenville.
Hamilton		Daniel Cochran	Wells.
Herkimer	1.	Jerome B. Holcomb	Newport.
	2.	J. Alonzo Goodier	Cedar Lake.
Jefferson	1.	Albert B. Watkins	Adams.
	2.	Ambrose E. Sawyer	Watertown.
	3.	George W. Lingenfelter	Lafargeville.
		Fred Seymour (City Supt.).	Watertown.
Kings		C. Warren Hamilton	East New York.
		Thos. W. Field (City Supt.).	Brooklyn.
Lewis	1.	Boardman S. Hough	West Leyden.
	2.	Joseph A. Harvey	Watson.
Livingston . . .	1.	Foster W. Walker	Caledonia.
	2.	Ezra N. Curtice	Springwater.
Madison	1.	G. Newton White	Georgetown.
	2.	John E. Toppin	Cazenovia.
Monroe	1.	Lucius N. Allen	Honeoye Falls.
	2.	Jeremiah Smith	Gates.
Montgomery, New York		A. L. Mabbett (City Supt.).	Rochester.
		Alonzo Geweye	Spraker's Basin.
		John Jasper (City Supt.).	New York.
Niagara	1.	Chas. H. Leonard	Sanborn.
	2.	Richard D. Balmer	Ransomville.
		Arthur A. Skinner (City Supt.)	Lockport.
Oneida	1.	Franklin P. Ashley	Whitestown.
	2.	Julius M. Button	Deansville.
	3.	Jonas W. Armstrong	Rome.

Counties.	Dists.	Names.	Post-offices.
Oneida	4.	George Griffith.....	Westernville.
		A. McMillan (City Supt.)...	Utica.
Onondaga ...	1.	Robert Van Keuren.....	Jordan.
	2.	Wilson W. Newman	South Onondaga.
	3.	Richard W. McKinley.....	Collamer.
		Edward Smith (City Supt.)..	Syracuse.
Ontario	1.	George V. Chapin	Chapinville.
	2.	Gerrit S. Preston	Victor.
Orange	1.	Charles W. Gedney	Newburgh.
	2.	Thos. S. Hulse	Westtown.
		R. V. K. Montfort (City Supt.)	Newburgh.
Orleans		Edward Posson.....	Medina.
Oswego	1.	Wm. B. Howard	Fulton.
	2.	Harmon D. Nutting	Parish.
	3.	Jay E. McGuire.....	Lacona.
		V. C. Douglass (City Supt.)..	Oswego.
Otsego	1.	Albert G. Tuthill.....	Westford.
	2.	Abram G. Miller	Laurens.
Putnam		Thomas H. Reed	Brewster's Station.
Queens	1.	Chas. E. Surdam	Port Washington.
	2.	Isaac G. Fosdic.....	Jamaica.
		Alanson Palmer (City Supt.)	Long Island City.
Rensselaer...	1.	Edward Wait	Lansingburgh.
	2.	Gardner Morey.....	Nassau.
		David Beattie (City Supt.)..	Troy.
Richmond...		Chas. H. King	Stapleton.
Rockland....		Wm. Van Wagenen	Ramapo.
St. Lawrence,	1.	Erwin S. Barnes.....	Gouverneur.
	2.	Albert L. Cole	Hermon.
	3.	Lucius L. Goodale	Potsdam.
		N. W. Howard (City Supt.)..	Ogdensburg.
Saratoga	1.	Wm. L. Hoyt	Charlton.
	2.	John W. Shurter	Saratoga Springs.
Schenectady..		H. Maynard Akin	Schenectady.
		Samuel B. Howe (City Supt.)	Schenectady.
Schoharie ...	1.	Wm. H. Albro	Middleburgh.
	2.	George D. Ostrom.....	Cobleskill.
Schuyler		A. C. Huff.....	Watkins.
Seneca		Isaac H. Stout	Farmer Village.
Steuben.....	1.	George Horatio Guinnip....	Hammondsport.
	2.	Reuben H. Williams	Lindley.
Suffolk	1.	Cordello D. Elmer	Southold.
	2.	Justin Roe	Patchogue.
Sullivan.....	1.	Charles Barnum	Monticello.
	2.	Joseph Taylor.....	Parksville.
Tioga.....		Henry W. Childs	Owego.
Tompkins ...	1.	Andrew B. Humphrey	Ithaca.

Counties.	Dists.	Names.	Post-offices.
Tompkins . . .	*2.	S. L. Howe	McLeau.
Ulster	1.	Wm. E. Mower	Sangerties.
	2.	Henry M. Bauscher	New Paltz.
	3.	Stephen D. Soule	Shandaken Centre.
Warren		Randolph McNutt	Warrensburgh.
Washington..	1.	Henry T. Hedges	Shushan.
	2.	Edward C. Whittemore	Middle Granville.
Wayne	1.	Sidney G. Cooke	Lyons.
	2.	Wm. T. Goodnough	Newark.
Westchester..	1.	Joseph S. Wood	Mt. Vernon.
	2.	Theo. B. Stephens	Tarrytown.
	3.	Edward N. Barrett	Bedford Station.
Wyoming . . .	1.	John B. Smallwood	Warsaw.
	2.	Clarkson A. Hall	Gainesville.
Yates		William F. Van Tuyl	Penn Yan.

(X.)

REPORTS OF SCHOOL COMMISSIONERS AND CITY SUPERINTENDENTS TO THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

ALBANY COUNTY — FIRST DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.— In compliance with your request of July 20th, I have the honor to submit the following report :

The work accomplished, during the past year, has been done with the view of stimulating an active interest in educational work among the people as well as among the teachers. Schools cannot thrive without this co-working interest among the patrons. How to bring about this interest to the desired degree is a problem that requires time and perseverance to solve, and must in some degree at first be experimental.

It has been my policy to impress upon the minds of trustees so far as in my power, the desirability of securing the services of talented and educated teachers—teachers who have in them teaching power.

The first commissioner district of Albany county is comprised of forty-four school districts. In many of them there is a lack of appreciation of the necessity for proper school apparatus, such as outline-maps, globe and blackboard surface. In the latter, the modern method of teaching is bringing about great improvement.

Of the forty-four buildings, thirty are in good condition ; a few

* For the term commencing January 1, 1881.

even perfect in their appointments. The remaining fourteen can be rated from fair to very poor. One new building was completed last year, and two thoroughly repaired. One new building is being built, and arrangements have been made for two more—one of which will be graded—to go up the coming spring. Several more will no doubt follow as the year advances.

Thirty-two teachers have been licensed this year. It has been my plan to appoint a day in each town, in spring and fall, and have written examinations requiring 60 per cent. to pass for third grade. It has promoted a spirit of self-culture and study among those who would become teachers. Both the teachers and the people are my allies in this movement for a higher standard of qualification.

If the questions were originated by the Department, and examinations of the kind made universal in the State, the law would no doubt receive cordial welcome from every commissioner.

In the apportionment of school moneys, the law that gives the same amount to a school taught twenty-eight weeks as to the one taught forty weeks does not seem to meet the case with justice.

The method of securing teachers is one of great importance. Districts are often divided into factions, one anxious for good schools, and the other, if *not* opposed to this course, is lukewarm, and is frequently in the majority. The result is the employment of a teacher whose attainments are not adapted to the wants of that particular school or district. A general stand-still in school advancement follows, and the rights of the children suffer.

Many of the trustees are absorbed in business, and are, therefore, often unacquainted with the wants of the school. The commissioner is conversant with these needs, or at least should be, and should have power to assist in the employment of teachers of various attainments and abilities in the various schools, according to their need.

The institute and its work are growing in popular favor. Occasionally, only, are trustees found now who endeavor to prevent their teachers from securing the educational stimulus imparted at these gatherings.

There are no records of any district boundaries or surveys on file with the town clerk. A law making district boundary lines straight, and holding all property whereon the dwelling is situated within that line for taxation in that district, would no doubt be more satisfactory than the present system of farm-line boundaries.

The Normal schools are without doubt doing excellent work. The large number of graduates who annually come before the public as teachers, cannot fail to make the influence of the school felt.

In conclusion, it is gratifying to know the sentiment for better schools is growing rapidly among the people of this commissioner district.

I am, your obedient servant,

ALEXANDER R. BAKER,

School Commissioner.

CEDAR HILL, *December 30, 1880.*

TWENTY-SEVENTH ANNUAL REPORT OF THE
ALBANY COUNTY.—SECOND DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—In compliance with the directions contained in your circular of July 20, 1880, I would respectfully submit the following statements pertaining to the schools under my supervision.

I deem it unnecessary to report the financial and statistical information already transmitted to the Department in my annual report. Yet allow me to state that this commissioner district includes the three south-western towns of Albany county, viz.: Berne, Rensselaerville and Westerlo; comprising fifty-six school districts and eight joint districts having their school-houses in adjoining counties.

As to my own personal doings, I would submit the following statements :

During the past school year, I have twice canvassed the district, for the purpose of inspecting the schools therein. During the winter term, I visited each school in my commissioner district, and one school twice, making fifty-seven official visits. During the summer term, I again visited each school, and one school three times, making fifty-eight official visits. The whole number of visits made by me, during the past school year, is one hundred and fifteen, generally making two visits per day. In consequence of those visitations, I think good has been accomplished.

The whole number of licenses granted, was 106; of the first grade, 11; of the second grade, 78; and of the third grade, 17.

The method pursued in examining and licensing teachers previous to this fall, has been a private examination at my office. I have now changed the programme in reference to examining teachers. This fall I spent one day in each town in the district, in holding a teachers' drill or examination of candidates for licenses. I like the drill method far the best, and would recommend commissioners to adopt it.

In regard to the apportionment of public money, I would suggest that the library money be apportioned direct for the payment of teachers' wages, as it nearly all goes for that purpose.

In regard to the settlement of local and neighborhood difficulties arising in school districts, out of school affairs, my idea is to have as little to do with it as possible, as I believe the district can and will settle their own difficulties more satisfactorily.

It seems to me as if the method of employing teachers is somewhat defective, as in many districts men are elected to the office of trustee that have little or no interest in the school any farther than to run it in such a way as to be of little or no expense to the district.

The condition of the public schools under my charge, as observed from official visitations, varies materially. We have some first class schools, and some that are not; yet, upon the whole, I should judge that they were gradually improving.

Two teachers' institutes were held in this county the past school year. The first was held at Knowersville, commencing February 9th, and continuing one week, under the able instruction of Profs. Charles T. Pooler and John Kennedy, and was well attended. The second was held at Berne, commencing August 16th, and continued one week, conducted by Profs. James Johannot and John Kennedy. We cannot speak too highly of these faithful instructors, nor of the practical lessons given each day. These gentlemen have gained a high reputation as institute instructors, and we trust the large number of teachers in attendance was greatly benefited. In my judgment, the teachers' institutes are doing a good work in this county. Teachers from this section are more interested in these meetings than they have been heretofore. Public sentiment is more in sympathy with them than in times past. Let the good work go on.

We have an academy in Rensselaerville conducted by Prof. B. F. Eaton and wife, which is doing a good work, and is well attended.

We have a teachers' association in this county, which meets semi-annually. The last meeting was held at East Berne, and although not largely attended, we think some good was accomplished.

In conclusion, let me return to the Department my sincere thanks for the many favors received.

Yours truly,

RUFUS T. CRIPPEN,

School Commissioner.

RENSSELAERVILLE, November 10, 1880.

ALBANY COUNTY — THIRD DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.— I have the honor to submit the following special report, in response to a circular letter recently received from the Department.

The third commissioner district of Albany county is formed of the towns of Knox, Guilderland and Watervliet, consisting of fifty-four school districts, and employing eighty teachers. The general condition of the schools is, with few exceptions, good. The exceptions are in those districts which are financially weak, and have but few children of school age. Of the sixty school-houses in this commissioner district, forty are convenient and comfortable, and pleasantly located. Twenty are unsightly, uncomfortable and entirely unfit for school purposes. About half of them are provided with the necessary school apparatus. The graded schools of West Troy, districts Nos. 1, 2, 9 and 20, also No. 19, West Albany and No. 7, Guilderland, are in a flourishing condition, well

attended, and ably instructed by a corps of earnest, energetic teachers.

The union free school at Green Island, and the largest school in this commissioner district, under the principalship of Prof. John Heally, is progressing finely, having a large attendance, and employing twelve teachers. I notice that more pupils are appointed to the Normal school, from this school and No. 1, West Troy, than from all the others combined.

The schools situated in the rural districts, have been generally well attended. In some districts in which local trouble has existed, I find a marked falling off in the average attendance; except in those districts, the attendance compares very favorably with preceding years. Of the quality of the work done in our public schools, I can safely say that it is of a higher grade, and more thoroughly performed than it has been heretofore, and is constantly improving.

During the past year, I have made one hundred and five official visits, taking from one-half to one day in the rural schools, and from one to three days in the graded schools. I have also held six public examinations of candidates for teachers' certificates, besides advising and counseling with trustees.

The examination of teachers was both oral and written, and the candidate, in addition to literary qualifications, must have a good moral character, and have some ability to impart to others what he has learned. The teachers did not take kindly to a public examination at first as it was a "new departure" from an old established custom in this county. Letters were received from about half of those that wanted certificates, asking to be excused, and requesting a private examination; all were kindly but firmly informed that they were expected to be present.

I have sought on every occasion to raise the standard of literary qualifications of teachers, and in most instances have succeeded. In a few districts that were too weak, financially, to employ a good teacher, I was forced to license some who were not as well qualified as I would like to have had them; yet believing that a school of some kind was better than no school at all, I permitted them to teach.

During the year, I have licensed thirty-five teachers. Of this number, ten have first grade certificates, twenty have second grade, and five have third grade. Of the ten holding first grade, six are renewals, also nine of the second grade are renewals; no third grade certificates were renewed.

The present method of examining and licensing teachers is, in my opinion, very faulty; and, as long as the office is an elective one, will continue to be. No matter how strong and how well known the desire of the commissioner is to raise the standard of qualification of his teachers, he will be urged, in return for political favors, to license those that are incompetent. Trustees also engage a teacher and send him to the commissioner with the request that he

license him as "he is wanted by the district and will give good satisfaction."

I would suggest the holding of semi-annual examinations simultaneously in all the commissioner districts in the State, with a uniform series of questions prepared under the direction of the State Superintendent, the percentage and experience for each grade to be also determined by the Department.

Two teachers' institutes were held, during the year, and were largely attended, and very successfully conducted by Profs. Pooler and Kennedy, and Johonnot and Kennedy.

I notice a growing interest on the part of the patrons of the schools in the work that is done at the session of the institute. In conversing with them on the subject, I find that they are changing their minds. Time was, and only a few years since, when trustees and patrons of the schools did not believe in institutes or teachers' associations, said that no good resulted from them, that teachers only went for the purpose of getting a vacation and having a good time; but now, after satisfying themselves from actual observation that such is not the case, they talk differently.

As regards the teachers, I am sorry to report that those who stand in the most need of the instruction that they would receive there, are always conspicuous by their absence. Some of the aforesaid teachers have suddenly become aware of the fact that it would have been better for them to have attended.

I have conversed with a large number of tax payers and others, in relation to the Normal schools of the State. I find a wide difference of opinion, some claiming that they are fulfilling the purpose for which they were organized; others as strongly asserting that they are not, claiming in proof of the position that the State does not receive a reasonable amount of service by way of teaching, for the amount of money expended in educating and training the pupils for the position of teacher, and point to the number of graduates engaged in teaching.

In my official visits, I notice that the schools taught by Normal graduates that have taught one or two years, have better discipline, better methods, and a better system of imparting instruction, than those schools where the teachers have had no special training. But it is a curious fact that, except in the graded schools, they do not retain their positions very long.

In conclusion, I can safely report the educational outlook for this commissioner district growing brighter with each succeeding year.

Thanking the Department for many favors, I remain,

Respectfully yours,

CHARLES E. STURGES,

School Commissioner.

KNOX, *December 10, 1880.*

ALBANY COUNTY — ALBANY CITY.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.— In accordance with your request, I have the honor to submit the following report of the condition of the public schools of the city of Albany, together with a condensed statement of the workings of our system during the year ending August 31st, 1880.

The receipts and expenditures for the year were as follows:

Receipts.

Cash balance on hand September 1, 1879.....	\$74,652 26
Raised by tax..	145,477 81
State apportionment.....	48,171 93
From literature fund, etc., for High School.....	2,433 07
From non-resident pupils.....	1,100 59
From sale of old desks	61 00
From High School pupils, use of books, etc.....	1,071 70
	\$272,968 36

Expenditures.

Teachers' salaries.....	\$141,208 59
Text-books and stationery.....	3,004 21
School apparatus.....	439 18
Repairs.....	10,036 72
School furniture.....	1,073 25
Heaters and stoves.....	2,500 88
Fuel.....	6,319 18
Janitors' salaries, cleaning, etc.....	6,877 61
Miscellaneous expenses.....	912 49
Superintendent of Schools.....	2,125 01
Supplies..	2,167 72
Printing.....	1,977 19
Alteration of school-houses.....	4,982 08
Superintendent of buildings and repairs,	1,500 00
Library.....	1,185 38
Rent of lot use of school No. 5.....	200 00
Clerk hire.....	200 00
Rent of house use of school No. 20.....	192 00
New school-house No. 20.....	8,894 00
Gas and water.....	390 75
	\$196,186 24
Cash balance on hand August 31, 1880.....	76,782 12
	\$272,968 36

During the summer vacation of 1879, school buildings Nos. 6, 12, 14 and 18 were altered in internal arrangement so as to replace the old plan of a large study room with adjoining recitation rooms, with a system of small rooms, accommodating about fifty-six scholars each, presided over by one teacher. The obvious advantages of these alterations are in the direction of health, increased accommodations and improved teaching facilities. The concentration of responsibility results in better discipline and more thorough work. The number of seatings in the above schools was increased 245 by the alterations, which is nearly equivalent to the erection of a new building. The cost of the improvements was \$4,982.08.

It will be the policy of the Board of Public Instruction to gradually alter or rebuild all the buildings under its charge until all the schools are arranged on the plan above described.

One new structure was begun last spring, and will be ready for occupation about October 1st. The building contains eleven rooms, and will furnish seatings for nearly six hundred pupils. While plainly and economically built, it will contain the most approved appliances for instruction, health and comfort.

Twenty-six schools, the same number as during last year, comprising a High School, thirteen schools having both grammar and primary departments, two grammar schools and ten primary schools, were in operation during the year. Eight schools have supervisory principals. The total number of teachers employed was 229, of whom 25 were males and 204 females.

The leading items of statistics of attendance, etc., are as follows :

Total number of seatings.....	11,485
Total number enrolled.....	14,049
Total average attendance.....	9,175
Percentage of attendance based on enrollment.....	65
Percentage of attendance based on number belonging.....	92
Total number of cases of tardiness.....	24,277
Percentage of tardiness.....	1.3
Promotions from primary to intermediate grades.....	1,075
Promotions intermediate to senior grades.....	740
Promotions from senior grade to High School.....	273
Number graduated from the High School.....	84

SCHOOL CENSUS.

The following statistics of school population were obtained directly from the census taken by the United States authorities in June last, and from other official sources :

Total school population (between 5 and 21 years).....	35,411
Number between 5 and 6 years.....	4,225
Number between 16 and 21 years.....	11,178
	15,403
Number of children between 6 and 16 years.....	20,008

Number enrolled in the public schools	14,049	
Number enrolled in the parochial schools.....	3,749	
Number enrolled in incorporated academies.....	357	
Number enrolled in private schools	735	
		18,890
Approximate number between 6 and 16 years not in any school.....		1,118

It will be observed that only about 1,118 children between the ages of six and sixteen years are non-attendants upon any school. This is evidently a very good condition of things in respect to attendance, for fully that number, between the ages of twelve and sixteen, must be employed in various occupations.

The statistics of attendance show about the same results as the previous year. A remarkable improvement will be noticed, however, in respect to tardiness. The number of cases was reduced from 42,170 to 24,277, and the percentage from 2.5 to 1.3. These figures show probably as low a point as can be reached without absolute prohibition. We regard this remedy, which is used in some cities, as worse than the disease. If we can keep tardiness at its present low point we will be content.

The progress of the schools in the line of scholarship has been satisfactory. We believe that we are producing more accurate scholars, and *as good* if not *better* men and women than in by-gone days. We endeavor to lead our pupils both to *think* and to *do*. The true teacher will never be satisfied with his work unless he has exerted some influence in the formation of the moral as well as the intellectual character of those committed to his charge. They expect too much, however, who demand that the teacher shall do *entirely* what is equally in the province of home and the church. Our teachers are endeavoring to mould aright the characters and to form well the manners of our pupils; but if their work is not supplemented at home or in the church; if, on the contrary, their efforts are, as is too often the case, antagonized by home and social influences; should the products be partially or wholly bad, the whole blame should not be placed on their shoulders, as it has been by certain self-sufficient but very poorly informed critics of our schools. The public generally understand the case better, and the steadily increasing attendance upon the schools, attests more strongly than words, the high estimate placed by those who know them best, upon the schools and the work they are doing for the community.

Respectfully submitted,

CHARLES W. COLE,

Superintendent.

ALBANY, December 30, 1880.

ALLEGANY COUNTY — FIRST DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In compliance with the directions contained in your circular of July 20th, I respectfully submit the following report for the year ending September 30, 1880.

The condition and progress of the schools in this commissioner district are very encouraging. In no particular is there more gratifying evidence of success and progress than is afforded by the steady improvement of our teachers.

In many respects the people of this district are becoming interested in the work, and some other qualification is required of teachers than that of cheapness. I also find that the inhabitants are becoming cognizant of the fact, that it is conducive to the interest of the schools to divide the school year into three terms, of from ten to twelve weeks each.

Trustees are not yet aware that the interests of their schools will be materially advanced by retaining able and efficient teachers for more than one term, and in some cases as many as four different teachers have been employed in twenty-eight weeks.

I was very much gratified, in my examination in April, in the marked improvement in the qualifications of teachers, as compared with previous examinations, and the consequent result of better schools, and a growing interest on the part of the patrons.

I have made, within the past year, one hundred and thirty-five visits. The school-houses in general are not built with any regard to convenience, ventilation or ornament; most of them are old, ill constructed and uncomfortable. Those built within two or three years are better arranged, and more in accordance with modern ideas.

The grounds surrounding the school-houses are generally selected for their worthlessness and nearness to the center of the district, and in very few instances has there been any effort made in decorating or improving them. I have granted, in the past year, one hundred and fifty-one third grade certificates, thirty-six second, and four first grades.

I think it advisable to grant only third grades until the teachers have proved themselves, by practical work, worthy of a higher grade, thereby making it a prize to be worked for and sought after.

I hold examinations in eight different places twice a year. These examinations are written, and occupy about six hours each. Candidates are required for second and third grade certificates, to pass a satisfactory examination in the common English branches, United States history, civil government and methods of teaching.

Many teachers, while possessing other qualifications in a fair degree, fail in methods.

I consider the establishment of Normal schools in this portion of the State has been of incalculable benefit to us. Few Normal graduates have been employed in this district the past year, yet many are teaching who have spent some time in Normal schools. Patrons as well as teachers recognize the fact, that teachers must have some special preparation for the work, and in no place can that be so well done as in those schools devoted especially to that work. The general impression is, that there should be no more Normal schools established, but increase the efficiency of those already existing.

There are too many school districts. In most cases the extent of territory is sufficient, yet the valuation is too low, and the number of children too small to sustain a good school and school building.

The teachers' institute was held at Angelica, commencing August 16, and continuing five days. Prof. Jerome Allen, conductor, ably assisted by Prof. C. T. Barnes. Three hundred and fifty teachers were present. No institute held in Allegany county was prolific of better results than this. Teachers not only received sound and practical instruction, but were led to appreciate their wants and deficiencies.

The schools, with but few exceptions, are ill provided with school apparatus, and the inhabitants pay but little attention to this want. I think it can only be remedied by compelling each district to provide itself with certain necessary apparatus.

The law in relation to text-books is almost entirely disregarded, as also is that in relation to compulsory education.

The district libraries are failures; but few, if any, of the books are used, and in most cases they are scattered and destroyed, and little or no attention paid to them. I would suggest that the money heretofore devoted to the library fund hereafter be used for purchasing school apparatus.

The township system meets with but little favor here. With the great number of schools to visit, the school supervision is necessarily somewhat imperfect, but it is not considered that it will be benefited by the township system.

We have in this district three union graded schools, located at Belfast, Rushford and Canaseraga. All of them are under the charge of good, capable and efficient teachers, and the buildings they occupy are large and commodious, and well supplied with good libraries and apparatus.

G. W. TIBBETS,

School Commissioner.

BELFAST, *November 18, 1880.*

ALLEGANY COUNTY—SECOND DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In addition to my annual report, in accordance with your requirement for a special one, the following is cheerfully submitted:

During the year, I have made one hundred and ninety-five visitations of schools. By these inspections a commissioner can be greatly aided in ascertaining the qualifications of teachers, which can be determined only in part, by their ability to answer questions in the examinations. He can often thereby instruct and encourage teachers, benefit school officers and patrons whom he meets and with whom he has an opportunity to consult concerning the interests of the schools.

It is impossible for a commissioner to travel over the fifteen townships in this district, visiting every school each time, if his visits are of the length they should be, and he discharges all the other duties of his office. It is reasonable to suppose that if his districts were of appropriate size to enable him to visit every school twice each term, and so note the progress that would be made between the dates of his visits, his labors might be more efficacious than they are under existing circumstances.

Public examinations have been held semi-annually, as usual, at eight of the villages most centrally located, questions and answers having principally been written, ranging through the branches required by law, including civil government and United States history.

There have been three hundred and twenty-four applicants for certificates, and two hundred and forty-seven have been granted. Trustees' reports show an aggregate of two hundred and seventy-three legally qualified teachers who have taught some portion of the year, but this number is the result of the second enumeration of those who taught in two different districts. The number reported as teaching at the same time, twenty-eight weeks or more, is one hundred and forty-four.

Commissioner Tibbets, of the first district, and myself, have labored together harmoniously, and we think successfully, to raise the standard of qualification for teachers in this county, and the consequence is better teachers, better wages and better schools.

During the five years through which my duties as commissioner have extended, I have spared no pains to encourage teachers and those desiring to become such, to amply qualify themselves for the position they expected to occupy as teachers. Many have attended school and in other ways striven to improve, and their efforts have not been in vain.

Our institute was held at Angelica the latter part of August, and was conducted by Profs. Jerome Allen and C. T. Barnes. We considered the average attendance better than ever before in the

first district, and that it was as successfully conducted as any ever held in this county, was universally admitted. Doubtless the institutes have done much toward inspiring teachers and increasing their efficiency. We have not tried the experiment as yet of holding two a year. Being one of the believers in a wise compulsory education law for pupils, it is my opinion that teachers, unless excused by proper authority, should be compelled to attend the institute when they will not do so voluntarily.

The annual meeting of the teachers' association of this district was held in January at Wellsville. These gatherings are always well attended, and instructive as well as entertaining.

The school commissioners of this county availed themselves of the privilege of attending the association of "School Commissioners and City Superintendents" that convened at Auburn last winter, and thought the time well spent.

I have attended several special school meetings held for the purpose of deciding the question of building new school-houses or remodeling the old ones, and have made a few visits for the organization of new districts, and to aid in the settlement of neighborhood controversies relative to district boundaries. Several school-houses have been thoroughly repaired. At Whitesville, a substantial two-story building has been erected for the accommodation of the union free school district organized at that place last fall. A new school-house, which has long been needed, is nearly completed for the Clarksville Center district. Cuba village has recently decided by vote to comply with the conditions of the law for obtaining an academic department to their large union school, to meet the demands of their increasing population.

Two new districts have been organized, during the year, No. 10, Amity, and No. 8, Ward, both of which seemed necessary.

In relation to the question of transferring the present authority for changing district boundaries, from the commissioners, or in case of an objection by trustee whose district territory is to be affected, from the town clerk, supervisor and commissioner, to an authority with which the latter would have no jurisdiction, I would say that my experience has not been unsatisfactory under the existing law.

All who have considered the subject agree that the beginning of the school year should be changed from October 1st to August 1st, or an earlier date. This change would give the districts whose schools begin in September time to employ teachers for the year, if they desired, and avoid the necessity of reporting annually parts of two school years, which is the present practice.

Being convinced some time since by visiting schools during the summer months, that a large proportion of the districts having school during that part of the year, could increase their efficiency by changing the time of their sessions, several districts, by my advice, made the change; but thinking the attention of some had

not been called to the importance of the proposed change, the following notice was published about the last of September, in all the newspapers of the district.

"To the School Officers and Patrons of Second Commissioner District, Allegany County:

After much thought upon the question in its different bearings, I am fully satisfied that the most of our district schools which are taught but two terms each year, the summer term beginning from May 1st to 20th, would be productive of much more satisfactory results, could there be three terms from ten to twelve weeks each, thus having school in the fall instead of the usually long vacation at that time, and entirely dispensing with school through July and August, the most unfavorable months of the year for mental exertion.

The attendance during these months is comparatively meager, owing to the fact that they include the greater part of the warmest weather, berry-picking season, and haying and harvesting.

The present system, it seems to me, is detrimental to all concerned; and as the average daily attendance of pupils is a basis for the apportionment of more than one-fourth of the public school fund, the result of this system is pecuniary loss.

Hoping that this subject will receive your proper consideration at the approaching school meetings, and that some provision will be made for an advantageous change, I am,

Your obedient servant,

A. B. COTTRELL,

Commissioner."

RICHBURG, September 20, 1880.

Many of the districts took steps at the annual meetings for the adoption of the plan recommended. Probably most of them that have arranged for short spring and fall terms will gradually lengthen them.

For reasons that have been reiterated by other commissioners in previous reports, it would seem advisable for the public school money which is now apportioned on account of resident pupils (all persons between five and twenty-one years of age, residing in the district) and average daily attendance, to be apportioned on the basis of average daily attendance alone, thereby offering an incentive for an increased attendance that is generally so much needed.

If each commissioner was one of a committee of three in each town of his district, for the employment of teachers, it would be surprising were not the value of the schools greatly augmented.

Nearly all the commissioners make similar reports relative to the library fund; it is generally appropriated for the payment of teachers' wages, illegally as well as otherwise. In my former report, it was substantially recommended, that if the fund were to be continued, that apportioned to the several districts of a town should be consolidated and invested for books, etc., to be kept at the most accessible place in the town. A town library might be made of inestimable value.

It is my belief that the teachers employed in this district, during the year, although not all as proficient as they should have been, were, on the whole, superior to those of any previous year since my term as commissioner began.

As commissioners' requirements for licenses to teach are liable to be widely different from those of their predecessors and successors of their colleagues in the same county and different counties, would it not be an improvement upon the present plan, to have a uniform standard which might be approximately obtained by requiring every applicant for a certificate to first possess one obtained from the Board of Regents, or some other properly constituted authority for issuing the same?

I believe one of the most urgent needs of the district schools is the adoption of some system, rude though it might be at first, for their gradation; and the creation of some authority to be judiciously exercised, to determine upon the grades to which pupils would be assigned. The "township system" would unquestionably have a tendency to improvise a power for grading the schools.

At Wellsville, there is a Catholic school that was established about four years since. The principal, "Mother Stanzalos," informs me that the number of pupils now enrolled is nearly two hundred. The four teachers employed, who are "Sisters," retain their places permanently, and evidently are ladies of culture and merit. Perhaps the only reasonable objection that Protestants could make to their instruction is on account of its being partially in the catechism of the Catholic church.

Riverside Seminary, located midway between Wellsville and Leid, was incorporated more than a year since, under the general laws of the State, by the Methodist Conference. Their school year is divided into four terms of ten weeks each, and from fifty to sixty students are generally accommodated. The school is pleasantly situated, considered permanent, and increasing in favor.

There is a kindergarten school at Cuba, which I have not visited, but to know the teacher, Miss Lloyd, is sufficient evidence of its success.

Alfred University and Friendship Academy are accomplishing grand and telling results for young people of this county. The former institution has almost a national reputation, and has been of incalculable service to thousands of its students now scattered throughout this broad land.

The Normal schools, without doubt, are performing, as best they can, the mission for which they were established. More than the usual number from this district have received appointments to them during the year.

While our educational interests are apparently dormant at times, they are not on the wane, but to the careful observer are moving steadily and grandly forward, though silently it may be, keeping abreast with all the forces that wield a mighty influence for good.

Thanking you for the promptness with which my inquiries to the Department have uniformly been answered, I am,

Respectfully yours,

A. B. COTTRELL,

School Commissioner.

RICHBURG, December 1, 1880.

BROOME COUNTY—FIRST DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—In compliance with your request, I hereby send my annual school report for the first commissioner district of Broome county, for the year closing September 30, 1880.

One hundred and twenty-eight qualified teachers have been employed at the same time for twenty-eight weeks or more. Ten of these were licensed by the State Superintendent, three by the State Normal schools, and the remainder by the commissioner.

At this writing, the supply of teachers is only just about equal to the demand; a condition of supply and demand in this profession not met with before during the past four years. Whether the effect of this scarcity of teachers will prove salutary to the schools of this county remains for time to tell.

My impression of a teacher's ability in the school room is virtually a part of the examination, and in my written examinations the teacher's tact and practicability in the school is considered.

Have had two hundred and eleven applicants for certificates, and licensed one hundred and ten.

Have been reasonably strict in my examinations, and licensed only those who were well qualified, and for this have received severe criticism and censure from disappointed parties and their friends; but have found this policy very wholesome for our schools and satisfactory to the true friends of education.

Have visited one hundred and sixteen schools, and found the teachers generally zealous and faithful in the performance of their work.

The present manner of employing teachers is a little careless; a teacher's capacity, or the grade of license, seldom being inquired into; and I have found teachers in schools without any license whatever.

The teacher's salary is usually graded according to the trustee's liberality. This is not right. Teachers should receive a salary according to their ability, and trustees should be careful to ascertain that, as nearly as possible, before making an engagement.

The attendance of pupils during July and August is very small; often in districts with forty or fifty children of school age, I find but from six to ten in attendance.

I respectfully suggest that the Legislature change the commencement of the school year from October 1st to August 1st, thereby giving trustees an opportunity to open school September 1st, and continue in session till the last of June.

Until this change is made in the law, I suggest that trustees open the schools as early as practicable, and continue the sessions for twenty-eight weeks or more, giving two weeks' vacation during holidays, and one week in the spring, if the term is a long one. I feel sure this method would work a decided improvement. This plan was advocated in my report last year; some districts have followed it with success and satisfaction. The sooner summer schools are set aside the better for the education of our children.

It would undoubtedly better our educational system if the law required forty weeks school in each district instead of twenty-eight, as at present, although trustees have the power to have as many weeks school during the year as they choose.

We hold a teachers' institute semi-annually, with a session of one week each. The attendance generally reaches from two hundred and forty to three hundred members. These institutes have done good work for our teachers and schools, and more than justify their expense.

I wish to speak in commendation of our State Normal and Training schools.

Teachers who attend these schools certainly receive a good training for their work. We cannot expect *all* persons who attend to become first-class teachers; teachers must possess natural gifts to succeed well in their profession; nevertheless it is a great benefit to all young teachers to make a thorough preparation in these schools. I am convinced of this by visiting graduates in their schools. They have no vague perception of what they wish to do; their work is well mapped out, and combines system and thoroughness. It will be a benefit to the educational interests of Broome county as their numbers increase.

The following are the financial and statistical items of interest:

FINANCIAL.

Amount on hand October 1, 1879	\$825 55
Public money apportioned to district.....	12,911 21
Gospel fund in Colesville, Sanford and Windsor.....	267 19
Raised by tax.....	14,868 55
Other sources.....	2,571 72
Total.....	<u><u>\$31,444 22</u></u>

Paid for teachers' wages	\$22,563	11
Paid for libraries	59	83
Paid for school apparatus	8	35
Paid for houses, repairs, etc.	5,385	88
Paid for other incidental expenses	2,266	70
Amount on hand September 30, 1880	1,160	35

Total	\$31,444 22
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STATISTICAL.

Number of children of school age Sept. 30, 1880.....	5,160
Number attending school some portion of the year....	4,400
Average daily attendance of all the schools.....	2,292.436
Number of teachers employed during the year—males,	59
females,	175
Number of school houses.....	116
Value of same.....	\$45,845 00
Assessed valuation of taxable property.....	\$6,495,888 00

One new house has been built at Chenango Forks at a total cost of nearly \$4,000.

During the past year, H. W. Callahan, a graduate of Hamilton College, was principal of the union free school at Windsor, assisted by two efficient teachers. One hundred and ninety pupils attended this school some portion of the year. Mr. Willard has been engaged as principal for the ensuing year.

J. B. Dunbar, a graduate of Cornell University, is now engaged for the third year as principal of the union free school at Deposit, with a corps of eight able assistants in the three schools in this district (No. 3, Sanford). Three hundred and ninety pupils have attended in this district some portion of the year.

These schools at Windsor and Deposit sustain their excellent reputation, and are sending out able and well-trained recruits to our teachers' ranks.

The law requires each district clerk to forward to the town clerk, immediately after their election, a list of all school district officers, and their post-office address, under a penalty of five dollars for neglect in each instance; and it is the duty of the town clerks to forward to the school commissioner a list of such school officers for each school district in his town. This is valuable information that should be transmitted immediately after the annual school meeting. I fear this requirement is not well understood, as no town clerk has yet sent in his list.

My whole time has been devoted to the interest of the schools

under my charge. I have no interest in any other business at present.

Thanking the Department for many favors received, I am,

Your obedient servant,

A. G. WILSON,

School Commissioner.

BINGHAMTON, November 10, 1880.

BROOME COUNTY — SECOND DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—I herewith submit my annual report containing the statistical and financial condition of the schools in the second school commissioner district of Broome county, for the year ending September 30, 1880.

This district is composed of eight towns, viz.: Barker, Binghamton, Lisle, Maine, Nanticoke, Triangle, Union and Vestal, and has one hundred and eight school districts, ninety-six having the school-house in this county, and in which one hundred and thirteen teachers have been employed for a period of twenty-eight weeks or more. Three schools that formerly employed but one teacher each have this year employed two, thereby increasing the number three, over that of last year.

The whole number of children between the ages of five and twenty-one years residing in the district on September 30, 1880, was 4,803. A decrease in number from that of last year of fifty-four. The average time the schools were taught was thirty-one weeks and two days, this being a longer time than in any previous year. The whole number of teachers employed at any time, during the year, was 198. Of this number, 58 were males, and 140 females. Four were licensed by the State Superintendent, three by Normal schools, and the remainder by the school commissioner. The whole number of children attending the schools any part of the year, was 4,092, with a total attendance of 369,285, and a daily average of 2,324. The amount of territory covered by school-house sites is twenty-nine acres and forty-one rods, valued at \$9,960. School-houses are valued at \$51,226, and the assessed valuation of all the taxable property is \$5,617,896.

The financial items are as follows:

Receipts.

Amount on hand September 30, 1879.....	\$1, 204 73
Amount public money apportioned to district.....	11, 970 08
Amount raised by tax.....	12, 245 94
Amount from other sources.....	2, 504 98
Total.....	<u>\$27, 925 73</u>

Payments.

For teachers' wages.....	\$20, 306 32
For libraries	51 73
For school apparatus.....	136 57
For houses, repairs, etc.....	4, 713 24
For other incidental expenses.....	2, 291 19
Amount on hand September 30, 1880.....	426 68
Total	<u>\$27, 925 73</u>

Only sixteen of the school-houses are separated from the highway by fence. In two districts the school-house and other buildings cover the entire site, and there is no playground, except that furnished by the highway. There have been four new houses built and well furnished, and in a number of the houses the unsightly desks and benches have given place to good modern school furniture; but what we need most in nearly all the houses is more and better blackboards. Of the ninety-six districts, eighty-nine have but one trustee, five have three, one has five, and one, nine. So far as I have learned, two districts chose ladies for trustees at the annual meetings.

The union school at Whitney's Point is the largest in this district, and has been well conducted under the principal, Prof. I. T. Deyo, a graduate of Amherst College, with a competent corps of teachers, three of them holding State certificates.

The Lisle union school was, during last year, in charge of Prof. C. N. Cobb, a graduate of the Syracuse University, and did excellent work.

The school in Union village has been in charge of Prof. J. L. Lusk, a graduate from the Cortland Normal school, for four years, and now only lacks in name and special privileges given by the union free school act, to rank with the best of our union schools. From the above three schools we get a large number of our young teachers, and their work in the school-room speaks well of their training.

The union school at West End, in the town of Binghamton, has for the past year occupied a new brick house, with two departments. The school has been thoroughly graded, and is now in a healthful state of progress.

The Susquehanna Valley Home is located in the town of Binghamton, and on the 30th day of September, had one hundred and five children between the ages of five and twenty-one years, and, during the year, had forty weeks of school taught by two licensed teachers, with a daily average attendance of over one hundred. I have visited the school and found the children under good instruction and making good progress.

During the year, I have had two hundred and sixty-eight applicants for license to teach, and have licensed one hundred and forty-one, and now the schools are all filled and the supply of teachers exhausted.

In thirty-five schools and departments the teacher was kept throughout the whole year, and about one-half of them are now filled by the same teachers. The number of Normal graduates in the list of teachers is less than heretofore, but we have quite a large number of under-graduates who have spent one year or more in the Normal, and are putting into practice Normal methods, and in this way our common schools are receiving a good influence from Normal schools.

We have held two teachers' institutes, during the year, one in the spring, conducted by Prof. E. V. De Graff and Prof. H. C. Northam, and the time was wholly occupied with instruction in methods and school organization. The attendance was large, and the teachers were so much interested in the work presented, that on visiting the summer schools it was very easy to see who attended the institute and who did not. It has been my aim to use every means in my power to get all the teachers to attend the institute, and then in their schools, to advise, encourage and help them to carry out the new and more rational methods, and this more particularly in the primary work. I have in teachers' examinations endeavored to get as much as possible into the limited time and space, and by an advance in requirements, led the teachers to a more thorough preparation in theory and practice, general information and a greater number of subjects to present, and it is very gratifying to see that the people appreciate teachers who can and will teach from their own store of knowledge, and not depend upon text-books in the school room. Our fall institute was conducted by Prof. Northam and Prof. R. L. Seldon, with a large attendance, and in a way I that am sure to see the good in our schools hereafter.

From my experience in our common schools, I am thoroughly convinced that the school year should end with July instead of September. In quite a large number of districts the terms are arranged so that the school is opened on the first of September.

I have, during the year, made one hundred and fifty-two official school inspections, and have, with very few exceptions, found the teachers trying very hard to do good work, and ready to receive advice that may in any way help them with their work.

I am glad to see in some districts the subject of school libraries revived, and in some schools to see a table set apart for books of reference, newspapers, and works from our standard authors. In the preparation for the present term, I have noted a more careful selection of teachers, and a better provision for the wants of the school, so that with our help we may expect an increase in interest and advancement.

I will take this opportunity to express my thanks to school offi-

cers and patrons for their co-operation, many favors and kindness to me, and to Commissioner Wilson for his assistance and courtesy ; also to the Department for favors granted.

Your obedient servant,

S. D. WILBUR,

School Commissioner.

BINGHAMTON, *November 24, 1880.*

BROOME COUNTY — BINGHAMTON.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR. — In compliance with the request contained in your circular of 20th of July last, I have the honor to submit the following report of the schools under my supervision, for the year ending on the 30th day of September last.

The whole amount of money received by the board of education in this city, during the year ending as above, was \$45,530.22, of which \$10,620.40 was received from the State. This amount, which includes the unexpended balance from the previous year, is less than the amount received last year by \$610.34.

The whole amount expended for the purposes of common school instruction, during the year, was \$43,947.04, the several items of which expenditure are here enumerated as follows :

For teachers' wages.....	\$27,730 24
For building, repairing and leasing school-houses, and improvement of grounds.....	10,973 65
For library purposes, including text-books for indigent pupils, and apparatus.....	629 90
For all other incidental expenses, viz. :	
For fuel	\$591 17
For janitors' salaries.....	2,533 00
Printing, insurance, etc.....	1,489 08
	4,613 25
	\$43,947 04

The total expenditure for 1879 was \$39,233.01, showing an increase in expenditure for 1880, of \$4,714.03. This increased expenditure is in consequence of building a new school-house, a substantial brick structure three stories in height. It was designed as a primary school, and being centrally located, it affords relief to

the overcrowded primaries of several ward schools. The city school library and offices of the board of education and superintendent are located in the building.

The number of schools under the care of the board of education, and therefore under my supervision, is nine, including one high school, one central grammar school and seven mixed and primary ward schools.

The following table exhibits the average daily attendance of pupils, in each school for the year, with the number of teachers employed therein, as compared with the preceding year.

	Average Attendance.		Number of Teachers.	
	1880.	1879.	1880.	1879.
High school	150.9	150.6	5	5
Grammar school	165.4	174	5	5
Oak street school.....	427.7	381.5	11	10
Washington street school	91.2	93.3	2	2
Robinson street school.....	233.5	244.5	7	6
Pine street school	389.6	372.2	11	11
Carroll street school.....	388	373.5	10	10
New street school	225.3	221.3	6	6
Alfred street school	94.6	86.3	2	2

The whole number of pupils who attended the public schools, during some portion of the year, is 3,056, an increase over the previous year, of 51. The average daily attendance for the entire year, is 2,167, an increase over previous year, of 65. The attendance for the past year has been very satisfactory, being nearly 71 per cent. of the number enrolled, which is, I believe, the highest ever attained.

Some attempts were made, during the year, to enforce the compulsory attendance law, but the results were not such as to warrant any great efforts in that direction, while the law remains in its present shape.

The standard of scholarship, as shown by the careful examinations made during the year and at its close, is well sustained, and evinces a steady improvement. The system of primary education, which has obtained in our schools for a number of years, is being constantly improved, and the results are steadily becoming more satisfactory.

During the year, the city school library has been greatly improved and enlarged. Nearly 800 new volumes have been added to it, at a cost of over \$1,000.

A new and complete catalogue has been made, and a thorough classification effected. No agency connected with our public schools is comparable in value with a well selected library of books suitable

ior the young. Owing to the increase of periodicals and newspapers, the reading of books is apt to be neglected, and a habit of reading fails to become established. To stimulate the formation and enlargement of such libraries, it might be well if the Legislature would authorize a *pro rata* distribution of the moneys annually apportioned for library purposes, to the several school districts, to those districts only which raised an equal amount by taxation, and applied the same to the purchase of books. This would tend to the establishment of libraries, and would have the further merit of devoting the money to its legitimate purpose, instead of having it frittered away, as is now most frequently the case.

Drawing is taught in our schools with increasing efficiency. The course in it has been revised, and the work of each day throughout the year outlined for the several grades. The practical development of the children, by means of it, is freely admitted by those who were indifferent or averse to its introduction into our schools.

Perhaps no city in our State has better school buildings, taken as a whole, than Binghamton. They are all brick structures, with one exception, recently built, and fitted up with all the modern improvements. They are, for the most part, well lighted, and in nearly every case especially well ventilated. They are constructed on the plan of large assembly or study rooms, with recitation rooms conveniently located and ample in their accommodations.

Respectfully submitted,

M. L. HAWLEY,
Superintendent.

BINGHAMTON, January 15, 1881.

CATTARAUGUS COUNTY — FIRST DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR. — In compliance with directions contained in a circular received from you, I would submit the following:

In the first place, allow me to say, this district is about forty-five miles long, north and south, and the average width about twenty miles. It is generally hilly, and, in some parts, almost mountainous. I trust, in reviewing my work, you will take into consideration these difficulties I have to encounter.

I have made 263 official visits, calling once at *every* school, most of them twice, and in some cases found it necessary to repeat my visits during the same term.

I find most of my teachers are learning and practicing the plan of developing each lesson, while others are following in the old rut, of asking questions and receiving answers from the text-books. The first class I encourage, the other I try to lift out of this rut, and show them their method is not of the present day.

In all of my visits, 263 in number, I found only one where I thought I would be *justified* in asking the teacher to resign; here, it was done, and another teacher was placed in charge of the school, with good results.

It is upon these visits, though necessarily short, we become acquainted with our teachers, *as teachers*. For this reason, if for no other, a county with such an area as Cattaraugus has should be divided into more than two commissioner districts.

In the spring, I held fourteen public examinations, one in each town of the district. In the fall, before the annual school meeting, I held fourteen examinations the same as in the spring. After the school meeting it became necessary, and I held a special one. I used printed questions and required written answers.

I have granted third rate certificates to those, all other things being favorable, answering correctly fifty per cent., second grades to those answering seventy-five per cent. of the questions embracing arithmetic, grammar, geography, history, civil government, reading and spelling. I have given only a very few first grades, and those were given to those of a successful experience.

I have written this fall 9 first grades, 47 second grades, and 88 third grades, or a total of 144 certificates. There are 15 second grades I wrote last spring, and 13 first grades I had previously granted, and 7 signed by ex-commissioner McClure, making a total of 179 commissioners' certificates in force to-day in this district. There are five Normal teachers engaged for the coming term. It takes 168 teachers to fill our schools during the winter, leaving a surplus of 16. Out of this number, I know of 7 that have engaged schools outside of this district, leaving an actual surplus of only 9, and some of this number do not wish to teach. In fact, I do not know of a person holding a certificate, and desiring to teach, that has not a school.

In addition to my other work, I find from an actual record, that since my last report to you, I have received and answered 516 official letters and cards.

Our institute was held in the second district, and as commissioner Crandall will undoubtedly report it in full, I will only say, it was a success, and expect good results will follow.

Probably we know as little in this county of the Normal schools and their work, as any in the State. We have only a few of their teachers with us. I think, and believe it to be the general impression throughout the district, that Normal schools and teachers' institutes are accomplishing better work now than ever before.

We have one academy in this district. The Ten Broeck Free Academy at Franklinville, Wm. M. Benson, A. M., principal. It is free, or nearly so, to the people of the towns of Farmersville, Franklinville and Machias. They have an average of about 200 students in attendance.

Most of my teachers have been students at this school. With

Prof. Benson at its head, it ranks second to none in this part of the State.

In conclusion, I believe, in this district, the public schools and public education generally are in a healthy condition.

I am under many obligations to the Department of Public Instruction for numerous favors.

I am, very respectfully,

J. HENRY SHALLIES,

School Commissioner.

SANDUSKY, *November 15, 1880.*

CATTARAUGUS COUNTY—SECOND DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—In compliance with directions contained in your circular, I have the honor to submit the following report of work accomplished, during the past school year, and of the condition and wants of schools under my supervision, together with remarks upon the school laws of the State as at present enforced.

In this district the duties of school commissioner are quite onerous, as within its limits are one hundred and seventy-four schools scattered throughout eighteen towns. My time has been wholly devoted to official duties, yet visits to the schools have been, necessarily, less frequent than I desire, and I have availed myself of every opportunity to inspire and inform teachers of less experience by bringing them in contact with those of more extended experience and of marked ability. Having become acquainted with the location of school-houses and the requirements of the schools, I have been enabled to make more visits during the past year than during the one preceding, and, whenever practicable, have invited school officers and patrons to attend. I have made, during the past year, two hundred and eleven visits, some of them, of course, brief, but have spent my time where I thought it would do the most good. I am gratified to be able to state that the recorded visitations by patrons have greatly increased and, as a result, school-houses are made more comfortable, attendance is more regular, interest in the schools greater and the work in every way better. I have found the people in most cases ready and willing to co-operate with me, and am convinced that two or more visits each term by the commissioner would greatly advance the best interests of the schools; but that is utterly impossible, except in a few cases, on account of the size of the district. Another burden is caused by the neglect of district clerks and town clerks to comply with requirements of the law. In some towns the clerk has no book in which district boundaries are recorded, and in many others the

records are very imperfect; hence frequent calls are made upon the commissioner to settle disputes and to define the limits of districts, people generally believing he has the records of all district boundaries. I have given considerable time to these matters and have supplied deficiencies as far as possible.

Two examinations have been held in each town, one in April, the other in September. Applicants for certificates are required to answer, in writing, questions in orthography, grammar, arithmetic, geography and United States history. In addition to these subjects, applicants for first grade are examined in civil government, physiology, algebra and general reading or topics of the day. At the close of the written examinations, oral questions are propounded on reading, penmanship, methods and school law. The examinations have been thorough and rigid to that extent that the number of applicants, during the past year, has been little more than half of that of the year preceding. This was necessary because there were so many persons desiring to "keep school" that *teachers* experienced great difficulty in obtaining positions, and were obliged to teach at a very small salary. As a result, many good teachers engaged in some other work; but a radical change has been effected, and to-day our schools are taught by the better teachers, certificates having been granted to but few more than were necessary to supply the schools. The number of teachers holding certificates and the number required are as follows: State certificates, six; Normal diplomas, eight; first grade, forty-four; second grade, eighty-seven; third grade, fifty-six; required, one hundred and seventy-five.

A decided improvement in school buildings and furniture has been made, though there is still a lack of apparatus. The schools are all supplied with blackboards, though in some cases they are not as good as desired. Nearly all have dictionaries, and many of them charts, maps and globes. A few weak districts, which it has not been thought best to annul, are compelled to content themselves with an ordinary teacher, and very little apparatus; but gradually these districts are becoming less in number, and patrons realize that one good, vigorous school is preferable to two small, poor ones. The instruction is often irregular and imperfect, as teachers are changed in most of the rural districts every term, the terms being two in each year, covering the prescribed twenty-eight weeks. Each teacher may do good work, but the methods are different, and the development of pupils' minds is not symmetrical. Nevertheless, facilities for good work increase from year to year, and I believe students in our common schools now receive better preparation for life's work than at any other time in the history of our country.

Teachers' institutes are growing in favor, and they are generally regarded by the people as valuable disseminators of theory and principle. Our institute was well attended, and teachers speak in highest terms of instruction there received. The number of teachers from Normal schools is small. Some of them are excellent instructors, but they are not generally more successful than teachers

from colleges and academies, and though Normal schools are productive of much good, in my judgment, they are not accomplishing the work designed by the Legislature when they were established.

There is one academy in this district, and three union schools having academic departments. These exert a salutary influence upon the common schools, and a majority of the teachers are educated there. So far as I have been able to learn, our academies are doing good work. They give students a thorough, practical education, and serve to stimulate pupils in the common schools to renewed exertions and higher aspirations. Until the present year, teachers' classes have been maintained in them, and though no appropriation was made, Chamberlain Institute still gives the same instruction. Both teachers and patrons regard these classes as well adapted to the preparation of those who desire to become competent instructors.

The compulsory education law is a failure. The text-book law has resulted in little good, and has not accomplished its mission. The appropriation of money for library purposes is useless as it is almost invariably applied to the payment of teachers' wages.

The present trustee system and the employment of teachers for a single term are defects which must be remedied before the greatest possible good can come to the pupils which the State is earnestly endeavoring to educate.

I desire to express my appreciation of courtesies extended to me by the department, and to return thanks for prompt answers to all communications.

Your obedient servant,
JOEL J. CRANDALL,
School Commissioner.

LITTLE VALLEY, November 30, 1880.

CAYUGA COUNTY—FIRST DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In compliance with the requirements of your circular, I have the pleasure of submitting the following brief report concerning my work as school commissioner.

During the past year, I have examined or visited one hundred and ninety-nine schools. These visits, and the interviews which I have had with trustees, lead me to believe that the teachers of this commissioner district are earnest and efficient, and that the work of education in Cayuga county is progressing. Not every one who has the honor of a certificate can be called efficient, but the deficiencies which I have noticed are in methods and ability to gov-

ern. I am pleased to say that these instances are few. I have examined, during the year, one hundred and fifty-six teachers, of whom one hundred and eighteen received certificates, including those indorsed and renewed.

There are, of course, unexpired licenses granted by my predecessor, the number of which I cannot state. The total number of licenses, however, cannot be greatly in excess of the number of teachers employed; and, I may say, none in excess of the number of teachers employed. The time when teachers and trustees complained of the superabundance of teachers has gone by, and the fault to-day is in the making of so many applications by each teacher. The licenses granted have been granted upon written examinations in the following branches: Arithmetic, grammar, geography, orthography, United States history, civil government and the use of diacritical marks. I think the matter of prescribing examinations should be removed from the hands of the commissioners, and that they should be prescribed, as well as the time and manner of holding them, by the Superintendent of Public Instruction, as the examinations for State certificates are now prescribed.

The present system of apportionment of public money seems to be just, and meets universal approval, excepting the apportionment of library money to such districts as year after year appropriate it to the payment of teachers' wages. But two school districts in this commissioner district use their library apportionment for library purposes.

There have been no alterations of district boundaries, during my term of office, in this commissioner district, and no neighborhood difficulties arising from school affairs which have come under my observation or to my knowledge.

In hiring teachers, I find that trustees act the pleasure of the people of their respective districts. They generally hire such as are approved by the district. I find no trustees over-anxious to engage the unqualified. They are at fault many times in employing such as have no license, and many times subject themselves to some inconvenience.

The teachers' institutes which have been held in this county have been productive of great good. The attendance at these institutes has been good, and teachers have a growing interest in them. I find that teachers adopt the methods of the conductors to a large extent, and go out from the institute to their work with increased energy and a greater sense of their responsibility. I put most dependence upon such teachers as attend institutes and associations. We, the people of this commissioner district, have no opportunity to judge Normal schools and Normal teachers. By my report you find that but three Normal teachers have taught in this commissioner district. I think these did not employ Normal methods, at the special request of trustees.

There are no private schools in this commissioner district. The

academies at Weedsport and Port Byron send out annually a number of young teachers, whose knowledge of books and subjects to be taught and methods of presenting subject-matter are good. Generally they are young, and if deficient in any particular, it is in judgment and in ability to manage.

In closing, I would say, judging from my own knowledge of surrounding counties, that the schools and the teachers and the cause of education in Cayuga county are up with any.

I have the honor to be, sir,

Your obedient servant,

WILL C. HOPKINS,

School Commissioner.

MERIDIAN, November 16, 1880.

CAYUGA COUNTY — SECOND DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR. — According to your request, I respectfully report that my commissioner district consists of thirteen townships, one hundred and thirty school districts of one hundred and forty-three departments.

I have visited nearly all of the one hundred and thirty schools twice, during the last school year, making two hundred and fifty-one visits. I am of the opinion that the commissioner's visits are considered sufficiently important to awaken a lively desire in both teacher and pupil to convince him that they intend to show improvement. The limited time I am able to remain precludes the possibility of obtaining more than a general knowledge of the work done in the schools.

The impressions I have received, during my visits, are of a mixed character. While I saw some things to censure, and the need of many suggestions, I also saw much to commend. We have too many teachers who adhere too closely to text-books, who take little or no pains to prepare a subject or topic for class work, thereby very much weakening their power for true teaching, who fail to decorate the walls of the school room in any way, and who wholly neglect or ignore the practice of ventilation according to any common sense principle. On the other hand, many teachers decorate the school room with some prints which relieve the barrenness of the walls, arrange some curtains for the windows, and are doing very good work in teaching, showing a tact and originality in methods and ability to secure the co-operation of patrons and the advancement of the pupils.

I have licensed two hundred and twenty-four teachers during the past year. By appointment published in the local papers,

I have met the teachers in each town, in the spring, and at the institute in the fall, and given written examinations in the following branches: Arithmetic, grammar and language, geography, spelling, United States history, civil government, and sometimes reading and sounds of the language with diacritical marks.

I think some compendium of school subjects as was mentioned at the association at Canandaigua, might work good results in being a basis of research on the part of the teachers, and tending to a uniformity of commissioners' work.

I have not learned of any opposition to the school laws of the State (except it may be the compulsory education act, which is comparatively a dead letter in this locality), in the matter of apportionment of public money, alteration of school district boundaries or settlement of local difficulties. But in employing teachers, the matter of low prices seems in many cases to out-weigh worth. Whether the last point can be remedied by other than public sentiment may be a question.

While I find ignorance, to a certain extent, among the people, concerning school work, I also find the general public mind very well informed upon most matters relating to the schools. We think the latter condition is largely due to the maintenance of a district teachers' association, which meets from six to ten times a year in different localities in the commissioner district. Large audiences of the patrons attend and witness class exercises, and aid in discussing the various methods of presenting the subjects of school work, and other educational questions of interest. In my opinion, this is one of the best educators of public sentiment that can be operated by school officers.

The teachers' institute in our county I think is a power for good to very many teachers. As a rule, the attendance is full and regular during the entire time; this doubtless is the result of the one week's session. The lectures, at the institute, deserve especial notice, for this feature of the work always secures large audiences of patrons and citizens who show deep interest in the progress and development of educational work; and this interest in institutes seems to increase, for at the institute held at Moravia, October 27, we had a larger record of attendance, and deeper interest in the work, than I have known at any previous institute.

Public sentiment indorses the work of Normal schools, but I opine that our rural districts do not derive a tithe of the benefit from them that the Legislature intended they should, because the small remuneration for teaching and the uncertainty of duration of employment drive many energetic, and therefore the best, Normal graduates into other lines of labor.

There are, within the limits of this commissioner district, two academies, two female colleges and three private schools.

Oakwood Seminary, an academy located at Union Springs, formerly known as the Friends' Academy, is of long standing. The school is in session for forty weeks, and five hours per day;

during the past year, seventy-eight students were in attendance; the school is in a flourishing condition.

Cayuga Lake Academy at Aurora, has four terms, for forty weeks, and five hours per day. Registered fifty students, average thirty-five. The studies pursued in this and Oakwood are those commonly found in academies.

Howland School, a college for young ladies, is situated at Union Springs, has a calendar of three terms, forty weeks, and five hours per day. Registered last year, thirty students. Besides a preparatory course of three years, there are three collegiate courses of four years each.

Wells' College, exclusively for ladies, is situated at "Aurora on Cayuga." During the year, its attendance was full. The school is, every way, in a flourishing condition, with sufficient endowments to reasonably insure its perpetuity.

Dr. Tillotson's school, in the township of Genoa, is a private school for both sexes. The number recorded, about thirty. The doctor approves of thoroughness on the part of the pupils, but always keeps in view their comfort and convenience.

Miss H. Hussey's Sherwood select school, in the township of Venice, has three terms, forty weeks, and five and one-half hours per day. Recorded thirty-three, average thirty, and prepares students for schools of the grade of Cornell University.

Prof. Hosea Curtis' school, at Moravia, is a private school, pursuing a course of study similar to that of a high school or an academic department.

Cayuga county stands in the front rank in her provisions for the higher education of young women, but for young men, there are no advantages for a collegiate course; but below this, the scope of school courses is so varied and comprehensive, that all her sons and daughters may secure an excellent common school education and a preparation for a scientific or a classical course, and if they do not, the fault must be laid at their own doors.

PETER SUTPHEN,

School Commissioner.

CAYUGA, October 15, 1880.

CHAUTAUQUA COUNTY — FIRST DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR. — In compliance with your request, I have the honor to submit the following report:

There are, in this commissioner district, four union schools and 146 common schools, scattered over an area of 553 square miles.

The number of children between the ages of five and twenty-one

years, on the 30th day of September last, was 7,269, of whom 6,213 attended school some portion of the year. The average daily attendance of all the schools, during the year, was 3,722, being about 60 per cent. of the enrollment and 51.21 per cent. of the school population, which I consider a very creditable showing for a rural district.

Value of school-house sites.....	\$20,756 00
Value of school-houses.....	143,795 00
Assessed valuation of taxable property.....	12,463,169 00
Amount of public money.....	19,149 01
Raised by tax.....	22,502 05
Paid for teachers' wages.....	34,300 00
Paid teachers while attending institute.....	96 00

The total expense of this district, during the year, was \$47,433.08.

One new school-house has been built in district No. 16, in Harmony, at a cost of \$2,875, \$75 of which was given the district by Dr. H. H. Glidden, a prominent citizen of the town.

I have held thirty-seven public examinations. There are twenty-eight teachers employed at the present time, who are either graduates of a Normal school or hold a State certificate, while the remainder are licensed by the school commissioner.

The total number holding certificates under my hand is 192.

I am convinced that the best place to ascertain a person's ability to instruct and manage a school is in the school room.

I have unhesitatingly refused to license teachers the second time who lacked some of the most important elements of strength, viz : tact and skill to govern a school.

Every district has maintained a school twenty-eight weeks. I think that if the money which is sometimes expended for thirty-six weeks of school or more, were paid for the services of better teachers for the time required by law, the schools would be more largely attended and the children much farther advanced.

It was impossible for me to inspect all the schools, during the past year, but I have taken great pains to visit those in which were employed young and inexperienced teachers.

I required the teachers of the common schools to make a monthly report containing the names of all pupils attending school, and showing the attendance, punctuality, deportment and scholarship of each respectively.

From these reports I made up an honor roll for each district, containing the names of those who were perfect on the points enumerated above, and secured their publication in the "Country-side," a magazine edited by Mr. C. E. Bishop, of Jamestown, and devoted to the interests of the common schools of the county.

I found that this method proved a great incentive to regular attendance and good behavior, for while there has been a large de-

crease in the school population of the district, the total average daily attendance is much larger than the preceding year.

By this means, the condition of every school was known outside of its own limits, which of itself was sufficient to cause every one interested in, or responsible for its progress and efficiency, to do his whole duty.

Our institute was held at Chautauqua, commencing July 6th, and continued one week. There were in attendance 226 teachers who had taught on an average of nearly eight terms each, which fact shows that we have many experienced teachers in our county who believe in institute work. Many of the teachers closed their schools and consented to lose their time, rather than to have any trouble with the trustees, or be absent from the institute. Our instructors were Profs. Kennedy and Lantry, assisted by Profs. Palmer, Love and Harkins, of our county. Local institutes have been held each month during the year. The object of these gatherings is twofold: first, to discuss questions pertaining to school work; second, to pursue a course of study designed especially for self-improvement. These meetings have been well attended, and have received the undivided support of the best teachers in the district.

Thanking the Department for the prompt answers to all my inquiries,

I remain,

Your obedient servant,

C. H. WICKS,

School Commissioner.

PANAMA, December 8, 1880.

CHAUTAUQUA COUNTY—SECOND DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In obedience to your demand, I respectfully submit the following:

There are, in the fourteen townships of which my district is composed, 140 school districts and parts of districts; having, within the bounds of my district, 152 school-houses. Three hundred and seventy-one different persons have been employed as teachers, and there have been employed at the same time, for at least twenty-eight weeks, during the year, 232 teachers.

I have licensed 251 different persons; twenty-two of those teaching in my district hold Normal diplomas, twelve hold the State Superintendent's license, one of which was obtained upon examination; twenty-nine were licensed by the superintendent of schools

in district number one, Ellicott, while a few are teaching upon the unexpired license of my predecessor.

I have made 170 visits to schools, during the year, usually spending one-half day in each school. In some cases, where the circumstances have seemed to demand it, I have spent the whole day, and in a few cases, in the villages, have been able to visit more than two schools in a day.

I have, during the year, held several *teachers' meetings*, for the discussion of subjects pertaining to the teacher's work. The main object has been to give young and inexperienced teachers the benefit of the experience of the older and more experienced ones, and to devise rational, practical, and, as far as may be, uniform plans of performing the work. These meetings, although in some cases held under difficulties, have been of great profit, not only in securing the object directly aimed at, but also in the enthusiasm they have created on the part of the teachers, and the interest they have awakened among the people.

In three instances, I have called together *the district officers*, in different localities in my district, for the purpose of discussing school work from their stand-point, to the end that all might have a better knowledge of the working of our school system, and that we might secure a more complete and intelligent performance of their duties. Although it has been difficult to secure so good an attendance as we would like, the result of these meetings has been satisfactory. I have also, from time to time, issued circulars to the trustees of the various districts, calling their attention to some little matters concerning the schools, offering some suggestions, and asking their co-operation in some movement for reform.

At our teachers' institute, held July 6th, 1880, we concluded to organize teachers' classes in different parts of the district for the purpose of pursuing a course of supplemental study calculated to prepare the teacher, while at work, for the better performance of her work. A four years' course was accordingly arranged, which, it was believed, if pursued at all, would make the teacher more efficient, and if completed, would enable her to receive a State certificate upon examination. The teachers generally were willing, and many of them eager to undertake the work; and many are now pursuing their studies alone as best they can. It will, however, be remembered that the State association, which met soon after, recommended that the Department prepare work of this kind which should be uniform throughout the State. Owing to this action, and also to some unlooked-for difficulties in prosecuting this work according to the plan we had adopted, the scheme has not been carried out as contemplated. I believe, however, that some plan of this kind would prove the most practical and economical way of securing, at once, good and efficient teachers in our country schools.

I have, during the last year, required from each teacher in my district a *special monthly report*, containing an honor roll, in which were reported the names of all pupils who, during the month, had

not been absent or tardy, and who, at the same time, had been uniformly studious and obedient.

The names in this honor roll have been gratuitously published by C. E. Bishop, of Jamestown, in his monthly magazine. I believe that, in addition to the information which this report has each month given me in regard to the condition of all the schools in my district, it has proven a means of discipline in the schools, and has tended largely to do away with tardiness, while it certainly has caused an increase in our average attendance.

By referring to the statistical report for this year, you will see that the per cent. of average attendance on whole number of children attending school, during the year, has been larger in my district than was reported for any county in the State for the year 1879. You will also see that but three counties excelled us in per cent. of average attendance on the whole number of children of school age; and I believe that, but for the five hundred children that attend private schools in Dunkirk, and the four hundred children that attend the Normal school at Fredonia, we would have taken the prize in this class also.

I have made but few changes in district boundaries, and, while it has seemed to me just that these changes should be made, they have, for the most part, been opposed by the people and officers of the district unfavorably affected, and have at last been made only by the concurrence of the town officers. I would suggest that as alterations in district boundaries have, in most cases, finally to be made by town officers, this work might more properly be done by them in the beginning. Perhaps, however, it might be well to provide that their order, before it become valid, must receive the signature of the commissioner. This would leave the work to be done by those who live so near the locality to be affected that they may know the peculiar wants and situation of all parties, while the commissioner, who views the matter from his greater distance, may interpose his veto whenever it appears that the general good is likely to be sacrificed to local interests. As the law now operates, the case is directly the opposite.

I have held *teachers' examinations* in the several towns of my district twice, during the year, have held two special examinations for absentees from the whole district, and in few cases, where the circumstances have seemed to demand it, I have granted private examinations.

My method of conducting examinations is for the most part to furnish the teachers with printed lists of questions, and require written answers. In addition to their examination in the branches taught in the regular routine of school work, I have endeavored to determine something of the candidate's plan of work, the methods employed, and also to test her knowledge of such general subjects as ought to be understood in order that one may be successful in teaching.

I have thus far given short term licenses. 1st. Because I believe

that it is only by repeated examinations that one is sure of knowing the real qualifications of his teacher in the subjects under consideration. 2d. When an experienced teacher with whom we are unacquainted passes only fairly, it seems better to continue her upon a short term license than to reject her at once. 3d. One can more easily dispose of a teacher who has succeeded in some way in passing the examination and who proves unsuccessful in the school room, by refusing her a license than by annulling her license. 4th. Examinations are educative, and their frequent occurrence proves a strong incentive to study, enables us more rapidly to raise the standard of qualifications, and quietly, but effectually, drives out the drones. 5th. The frequent bringing of the teachers together establishes pleasant relations, unites them in sympathy, and creates enthusiasm and love for their work.

I try, by discouraging private examinations, to secure the attendance of all who expect to teach, at our class examinations. I am able thereby to get before me at the same time all applicants, and am able the better to select from among them the number necessary to supply the schools.

It has been my purpose to supply only a few more teachers than we have schools, and these I select from all the candidates, taking into consideration all qualifications, both natural and acquired, which I think will best fit them for the work.

I try to impress upon the minds of all teachers that none of them will be retained after I find enough that can do better than they do. On the other hand, I especially endeavor to discourage all persons who desire to enter the work only temporarily, or to make teaching a mere make-shift, believing that while they might do well during the short time they teach, the cause would be better served by securing, as far as possible, a corps of teachers who are willing to continue in the service year after year.

Much has been said upon the subject of teachers' examinations on account of the want of uniformity in standard, the abuse of discretionary power on the part of the commissioner, and his embarrassments from different sources, mainly political. Much as I would like to regard with favor a project which would relieve me of the labor and responsibility of these examinations, I am compelled to believe that the plan would prove wholly impracticable.

It seems to me that the commissioner, who is everywhere held responsible for the work of his teachers, should be the only one who should have the power to say who shall be permitted to do that work, and that any move to take the examinations with almost unlimited discretionary power out of his hands, would simply tend to shear him of his only element of strength, disrobe him of the little trace of authority he has, and make his office contemptible.

I believe, however, that the commissioners should frequently be called to account by the Department, to whom they are responsible; that they should be required to submit plans of examinations and lists of questions before placing them before the teachers, and that

the Department should give instructions of a general nature, and meet the commissioners at stated times to advise, plan and direct in regard to this, together with other details of the work.

In regard to the *manner of employing commissioners*, it cannot be denied but that, so long as the office is elective every three years, the person holding office will experience inconvenience on account of pressure brought to bear by small politicians; and certainly no one would object to removing the office from the difficulties which now surround it, if it could only be so placed as not to encounter other and more grievous ones.

Would not this whole problem be solved, if we would make eligibility to the office of commissioner to depend upon such qualifications as would insure efficient and independent officers? Such a move would certainly cut off all that flood of candidates who demand office in payment for political services, and who will take any office for the money it will bring them. It will confine the selection to a class of men whose character and presence will protect them from being annoyed by the penny politician, and whose services are in such demand that they would not be dependent upon any political office.

Allow the people to select from such a class of men only; then, since the Department may correct any mistake that people might make, by removing the officer, we shall have as good a plan for furnishing these officers as need be.

There seems to be some objections to the manner in which the *apportionment of public money* is made. The average attendance in those districts that have more than twenty-eight weeks of school is often less than it would be if the school were to last only during the school year. It will therefore be seen that the law now operates so as to encourage stinginess, and lay a tax upon liberality. It virtually says, you can have so much more money by running the school just so as to satisfy the law than you can if you tax yourselves to give your children further advantages.

There seems to be no good reason for retaining the pupil quota, while in some cases it is undoubtedly an injustice. From comparison of the trustees' reports, I find that the town of Pomfret received from the public fund \$5.11 for each day's attendance during the year; while the town of Cherry Creek received for each day's attendance only \$3.72; and that, from the pupil quota alone, Pomfret drew, for every pupil that attended school at all, during the year, \$1.44; while Cherry Creek so received but \$0.80. On the other hand, Pomfret raised by local tax, for school purposes, four-fifths of a mill on the dollar of assessed valuation, while Cherry Creek correspondingly raised one and three-fifth mills.

There is good reason for encouraging weak districts by means of the district quota; but I can see no good reason for stimulating weakness in districts by paying money upon pupils that work at home, roam about, or are sent away to school.

Upon the whole, I am inclined to the opinion that if all of the

public money, aside from the district quota, was distributed according to the whole number of days' attendance during a certain number of successive weeks of school — not over thirty in number — which time should be designated as the amount of school required for each year, the change would prove beneficial. By this arrangement it would plainly appear that every pupil could, by his attendance in school, be practically earning something with which to pay the expense of the school. In any case, however, I would provide that, except by special permit from the Department, no district shall receive from the State more than double the amount of money that they raise for teachers' wages by local tax.

If the *condition of the schools* in my district is to be determined by the work that is being done in the school room, the actual results that come from this work, and the interest taken in the school on the part of the patrons and the community in general, then it may be said that our union schools, and a few district schools, are doing good work, and probably rank with the best schools of their class. And, indeed, it may be said of the country schools in general that, in comparison with their condition up to this time and when compared with such schools elsewhere, we have great reason to be gratified; but considered in the light of what they ought to be, and as I believe with proper regulation may be made to be, it must be confessed their present condition is not satisfactory.

Much more is demanded of our public schools than formerly; the struggle for existence is lessening every year; machinery is taking the place of untrained muscle, and at the same time making a demand for skilled labor; mercantile and commercial interests are advancing, and the time has come when the common laborer must be an artisan, and the business man a philosopher. It has been demonstrated that mind training is essential or at least most beneficial in every department of labor, and that the waste for want of this training, both to the individual and the State, exceeds a thousand-fold the cost of securing it. We can, therefore, no longer afford to allow the child to leave the school without the utmost development of his powers that can be accomplished during these school years.

Our cities and larger towns are quite generally disposed to do their duty in this direction, and for us to provide for our pupils in the country schools less advantages than we provide for those in the villages, when they can be as well provided for without greater financial burden to the State or the district, is nothing less than criminal discrimination.

In these remarks I do not refer at all to higher education, but to the unequal opportunities afforded in our primary schools. The youth of our villages do not receive their greatest advantage over those of the country in the opportunities afforded to pursue the higher or academic branches, but in the superiority of the work done in the primary schools.

Comparatively few of those in our city and village schools ever

pass beyond the grade of what is required in the country schools. Of the thirty-eight teachers employed in the schools of Jamestown, thirty-three are confined in their labors to those branches which it is necessary to have taught in the district schools. These country schools can be made to furnish just as good advantages in these elementary English branches as these thirty-three village schools do, and justice to the people and the State demands that they shall do it.

When we consider what provisions are made in the villages to secure the results they do, there is reason for wonder that, with the provisions that are made for the country schools, we should secure any benefits whatever. These thirty-three teachers referred to above are nearly every one of them graduates. Most of them have had years of experience; they are furnished with a library containing all standard works, together with all works designed especially to help the teachers; they are provided with the freshest educational news; they meet frequently in teachers' meetings for discussion and conference in regard to their work, which work is from the beginning laid out and superintended by one of the experienced educators, who is everywhere acknowledged to be one of the most acute thinkers and progressive workers of the times.

The country schools of the same grade are furnished with such material as we can get; a mixed and ever changing company; scarcely a graduate among them; many of them young and inexperienced, having no retrospect of childhood, no appreciation of the child's nature or needs, no special training, no well developed plans. Such teachers, scattered over a territory forty miles by twenty in extent, practically without supervision, with no teachers' meetings, no opportunity for guidance or instruction except what is gained from the hurried visits of the school commissioner; such teachers, under such circumstances, are expected to develop the faculties of our children and fit them for usefulness.

The financial showing is no more encouraging. By comparison of the trustees' reports for the year ending September 30th, 1880, I find that fifty-eight per cent. of all the money paid for teachers' wages in my district was paid to the eighty-eight teachers who taught in the four schools of the district that employ at the same time five teachers and upwards; and that only forty-two per cent. was paid to the one hundred and forty-four teachers who taught in all the other schools, including two union schools and five village schools, employing at the same time from two to four teachers each.

These eighty-eight teachers, seventy-seven of whom were confined in their work to teaching the common branches, were paid an average of \$385.78 each; while the one hundred and forty-four teachers, two of whom were confined in their work to teaching academic studies, received an average of \$173.75 each; and a large portion of the latter class received at the rate of less than \$150 per annum, some of them taking nearly half of this in board around the district.

I also find that the rural districts raised, by local tax, for school

purposes—including the estimated amount for teachers' board upon the district—the sum of \$3.05 per pupil, while the village districts raised \$8.07 per pupil; that is, the children in the country are, in value, to those in the villages, as \$3 to \$8.

This tax in the villages was not on account of imposing brick structures, janitors, apparatus and "style;" for the village districts raised by local tax, for teachers' wages alone, the sum of \$5.70 per pupil; while the rural districts raised by local tax, for teachers' wages, the sum of \$1.76 per pupil; that is, the kind of instruction required by the children in the country is to that required by the children in the village, as one to three and one-third.

We hear on all sides that the rural districts have as good schools as they can pay for, and that they are already overburdened in support of their schools.

I do not know how this may be elsewhere, but in my district this certainly is not the case. I find that the rural districts raised, by local tax, for all school purposes, during the last year, 1.55 mills on the dollar valuation, while the village districts raised 5.14 mills on the dollar valuation; and that, for teachers' wages alone, the rural districts raised by local tax, including the estimated value of teachers' board upon the district, .89 of a mill on the dollar valuation, while the village districts raised 3.62 mills on the dollar valuation. That is to say, the amount paid for instruction by the people in the country—according to their wealth—is to the amount correspondingly paid by the people of the villages, as one to four and one-sixteenth.

Fairness, however, compels us to admit that it is more difficult for the people in the country to pay their taxes than it is for the people in the villages to pay theirs; but, allowing that the assessed valuation of property in the rural districts, as compared with its actual value, is double that of property in the villages, and then the rural districts will need to raise twice as much by local tax for teachers' wages as they now do in order to equal the village districts.

Many people seeing this state of affairs, at once conclude that the condition of the country school is due to penuriousness on the part of the people. But I am in doubt whether this is so, or whether the penuriousness of the people in school matters may not be due to the condition of the schools.

There certainly is some excuse for this penuriousness. The work has been so centralized that the people do not feel their responsibility in the matter. The State has undertaken to furnish better facilities for school than the people can provide for themselves; but the people have been so repeatedly disappointed that they have lost their faith in its ability to do it; and, when we ask them for more money, they want us to show them results for what money has been already expended.

The State makes liberal provision for schools, and the people, in most cases, would be willing to add largely to this, if the work

could be so arranged as to secure them, in good results, an actual equivalent for the money expended. It cannot be denied that the extra dollar in teachers' wages has not always been well expended, and that, too often, the poorer teacher has received the better pay. This state of affairs is due to the imperfections of our school-system, and to that incomplete arrangement of the details of the work, which must follow as the necessity of insufficient supervision.

Our cities and large towns employ superintendents, at from \$1,500 to \$2,500 per annum, to manage from thirty to fifty schools, all situated within a circle swept by a radius of one or two miles, and supplied with graduates and experienced teachers. These men say that they cannot satisfy themselves with their work without attending upon these schools two or three times each month. The average school commissioner elected by the people every three years, such a man as can be had for \$1,000 per annum, with such material as he can get for teachers, has to manage from 150 to 200 schools, so scattered, that, in connection with his other duties, he can, with the utmost endeavor, see each teacher at work only about once each year. How, in the name of common sense, can such a man, with such material, under such circumstances, secure such results as are, or ought to be secured in the village schools. It is simply impossible. It cannot be done; and it is foolishness to ask the people of the rural districts to pay an equal amount of money for services which are, and must be of necessity, vastly inferior.

Increase of wages without increased supervision will not secure the end. The extra pay will invite the hireling as well as the true laborer; besides, we cannot legislate that no district shall employ below a certain price, nor is it practicable to legislate that graduates of the Normal schools and high schools shall alone be eligible to the office of teacher. On the other hand, the commissioner must supply the schools out of such material as offers itself for the work, and the only practical way to better our condition is to give us *sufficient of efficient supervision*.

We should make *school superintendents* for the rural districts in place of the present *school commissioner*. We should make these in sufficient number so that no superintendent shall have under his charge more than 50 districts. We should clothe these men with some authority, and hold them responsible for the exercise of it. We must not, however, do without district officers. The schools already feel the effects of centralization. It will not answer to do every thing for the people. Without responsibility they soon lose their interest, and it is far better to keep the people identified with the schools by giving them something to do, if we can only get them to do this as it ought to be done.

I believe that with sufficient supervision district officers can be made not only efficient but enthusiastic workers. If we bring the superintendent near enough to the people and give him only so much territory as he can practically superintend, he will know intimately every one of his teachers and understand the special bent of

each. He will become thoroughly acquainted with all of the districts under his charge, and know their peculiar necessities, and through his advice and guidance the workmen will be adjusted to the work. He can do much to correct the constant and senseless changing of teachers, and to some extent at least he can grade the country schools, lay out their plan of work and see that it is done.

I believe that it would be well to enact that the contract between the teacher and trustee must be in writing, and receive the written approval of this superintendent in order to be valid. By this arrangement we would have the power centralized for any case of emergency, as where the trustees through ignorance or willfulness err in the selection of a teacher, while apparently and in fact for all ordinary cases the management would be left with the people.

Through this officer the *institute and Normal schools* could be made more available. The friends of the institute are compelled to admit that up to this time the institute has done little more than to break up the iron-clad routine of the teachers' work and to convert the machine teacher into the empirical teacher. Very few of those persons who are engaged in teaching in the country schools are able to take the few good hints they get at the institute, and from them, all alone, work out methods of their own that shall be rational and complete in their details.

The institutes do good work in most cases, and this work reaches the country school teachers generally, but, unsupplemented, there is not enough of this work to secure the desired results.

The Normal schools are doing good work, and do enough, but it must be confessed that, practically, their work does not to any extent directly and immediately reach the district schools.

It is clear to any one that while we can provide Normal schools for the people, we cannot provide that they shall avail themselves of them. It is foolishness to demand of the school commissioner that he shall make place at once for Normal teachers by raising the standard of teachers' qualifications to such a point that the schools will be left without teachers until they are supplied with these or with material equal to them. The people will rebel when their school-houses are left vacant. We shall antagonize the people instead of securing their co-operation, and the object for which we are all laboring will be defeated in the very means employed to secure it; for it has been repeatedly demonstrated that, under a republican form of government, no law or regulation is stronger than the public sentiment that is behind it. If, then, we cannot compel the teachers in the rural districts to go to the Normal schools, we must take the Normal schools to them.

This superintendent can arrange his fifty or sixty teachers into classes for instruction in the art of teaching, and institute a course of supplemental study by means of which he will control the teacher's reading and turn her spare time to some account. Then let the institutes be changed to training schools of three or four weeks' duration, where the teachers may receive drill and further instruc-

tion in those subjects which have been engaging their attention in the work of the course.

By this plan the teachers in the work would soon be educated for the work. Enough teachers will engage in this plan for self improvement so that those who have not the ability, or who are too lazy to work, will fall out of themselves. The schools will be receiving the immediate results of the teachers' training, and become correspondingly prepared for better teachers. The people will also be educated by actual experience in regard to the advantages of rational teaching, and soon the standard of teachers' qualifications can be so raised, and the condition of the schools so improved, that the best Normal graduates can be made available.

This supplemental work for teachers might be laid out by the Department and made uniform throughout the State. The State might be divided into districts of such size as may be deemed best, and the superintendents of the several smaller districts might be required to meet the State Superintendent with his faculty of Normal educators, at some point within the district, so often and for so long a time as he may think proper. At these meetings the work for teachers might be outlined by the faculty, and the superintendents instructed and directed as to the manner in which the work should be prosecuted. The question of examinations, before referred to, could here be regulated, and each superintendent could be questioned as to the condition of his district and its needs, and concerning the manner and extent of his labors. By means of these meetings the superintendents would receive the direct supervision of the State Superintendent; he would know of their ability and fitness, and each one, in carrying out the wise plans which must come of necessity from these deliberations, would have the sanction of the Department, and the accumulated force which comes from the uniform and combined efforts of all the other superintendents.

"Hear the conclusion of the whole matter." The times demand that the country schools shall be made more efficient. In order that this may be done it is necessary to provide that the duties now devolving upon district officers be more intelligently performed, and this can be attained without encountering the evils which come from centralization only by increased supervision. Again, it is necessary to provide for the country schools a corps of efficient professional teachers, which experience proves can be done best through increased supervision. And finally, when these conditions have been secured, we shall then be able to equal the village schools in their results only when we equal them in the amount and quality of their supervision.

By providing double the number of commissioners we now have, few need have more than fifty school districts under their charge; the additional expense would be less than one thirty-seventh of

what is now expended for schools in the towns, while the efficiency and usefulness of these schools would soon be more than doubled.

Thanking the Department for counsel and forbearance,

I am, very respectfully,

J. E. ALMY,

School Commissioner.

SINCLAIRVILLE, December 15, 1880.

CHEMUNG COUNTY — ELMIRA.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR. — In response to your recent circular, I offer the following, though fearful it may be too late and, also, that it offers little of profitable suggestion.

SCHOOL PROPERTY.

Thanks to the generous ideas of their founders, Elmira schools enjoy comfortable, healthful and roomy grounds and buildings. These are chiefly arranged in a circle outside the crowded business center of the city. Each school lot contains from two and a half to four acres of ground. Solid brick buildings two or three stories high, and arranged on a pretty uniform plan internally, occupy these sites, and while they are themselves isolated from adjacent buildings, the grounds afford ample space for shrubbery and for the exercise so necessary to pupils. The lower floors afford rooms for six or seven teachers of young children; the upper stories contain each a large study hall with five communicating recitation rooms. Most of these rooms are seated, lighted and heated with careful regard to sanitary rules. In addition to these five called "district schools" are two primaries — one now nearly complete — and an academy, all solid brick structures, centrally located and in spacious grounds. Most of these schools are furnished with single seats and desks of modern construction, and the double desks now in use will be speedily replaced with or reduced to single ones.

TEACHERS.

The internal affairs of the system have been vitalized by the same liberality and painstaking. Brick and mortar and other material appliances and aids are good as accessories, but worthless as educators in the hands of poor teachers. The chief aim, therefore, has been to secure good teachers. The board has usually been superior to popular clamor for cheap teachers, and has risen above political favoritism or any other favoritism in the employment of teachers. Ist examinations of new applicants and of its own young teachers

have ranked high, though not the highest. The aim now seems to be to make less of examinations and more of those evidences of fitness for service that are found alone in successful experience and professional skill. Wages, though not always sufficient to retain the best teachers, have still been a little above the average, and have served not only to fill the ranks, but to preserve us from the ravages of constant or frequent changes. The system of grading teachers for pay has worked well. By this system, successful experience wins about three times mere book knowledge. The increment to one's salary proceeds along these two lines, the former being ascertained by observation of work, the latter by examination. It will be seen at once that the teacher in the lowest primary grade may receive more pay than one in the highest grammar grade. Unfortunately the reverse of this may also be true.

METHODS.

The course of study prescribed for twelve years contains ends to be aimed at, not the methods to pursue. The intelligent teacher may pursue *his* way to these ends. Certain subject-matter—the usual matter—and also music, drawing, oral lessons in natural history, familiar science, morals and manners, etc., are prescribed, and the time for the indicated steps in the progress of teaching. It is believed that such prescription of a minimum of work is an aid to most teachers and pupils, as it is confessedly a hindrance and irritation to some. Public schools are, however, administered for majorities. The great end to accomplish is to educate by a system made as free and flexible as possible, and yet preserve the system from chaos and libertinism. To accomplish this, superintendence is found necessary. Superintendence promotes freedom. Rightly understood, it is not foreign or hostile interference with teaching, but the friendliest general co-operation and help for teaching. The superintendent, if fit for his position, is a teacher by taste and experience and an apt helper to every teacher. Properly backed and met, he multiplies many times the efficiency and economy of the system. To make these abstract truisms concrete is our aim; but “a chain is not stronger than its weakest link,” and our system is not stronger than its weakest teachers. Fallible judgment and weak, yet hopeful patience, at times derange the system and do harm by empowering and enduring teachers who cannot teach.

Examinations of pupils are held periodically for promotion. Promotions may take place, under prescribed conditions and with the judgment of teachers approving, at any time. By this means, pupils of ability above the average may go through the course of twelve years in ten or possibly eight years.

ATTENDANCE.

The total number registered last year was 4,253, of whom eighty-six were non-residents. The average attendance was 3,032. The

average per cent. of attendance was a little over ninety-five per cent. One school reached nearly ninety-eight per cent., one (a primary) fell nearly to ninety-three per cent. The only means of securing attendance have been continual communication with the homes, requiring excuses, suspension for absence and tardiness not excused, and, especially, efforts to make school a pleasure and an inspiration. The discipline, while not relaxed in its tone, has tended less and less to military forms, and more and more to that courteous intercourse that obtains in the decent social circles of life.

EVENING SCHOOLS.

These schools in our city have never been a success, either in number or character of the attendants. Pupils in these schools are for the most part hopeless. They bring to them little talent or momentum and only weary bodies and torpid brains. Their interest in school is transient and soon lost. The schools are free, and so, too, are the pupils too often free to come and go and behave as they choose. Once subjected to discipline or attracted by skating or coasting, moonlight nights, or by shows, they vacate the school. Teachers find little to encourage them. Only enthusiasts can succeed in these schools, and if they happen to be day school teachers their enthusiasm is severely taxed to maintain itself through all the hours. It is usually impracticable to find other teachers for this work. The problem is a vexed one, not wholly hopeless. The plan tried elsewhere seems a good one. Pupils are required to deposit one dollar as a token of good faith and earnestness upon entering, which is restored to them at the end of a month of honest attendance. This exacts a fee in trust, and serves to weed out the hangers-on and disturbers of the peace. The very freedom of our schools is not without its evil influence. Pearls are thus daily cast before swine.

COMPULSION.

The compulsory school law is with us a dead letter. Public sentiment is not educated to the idea and necessity of depriving parents of even their vagrant and mildly criminal children for purposes of education, even though the good of the children and the safety of society demand that something be done.

Schools for incorrigibles and truants conveniently located and supported by general taxation are a need of the hour. Their direct influence on this city would be to relieve it of a dozen or twenty who are beyond parental control, and being unfit for school, are getting a schooling in vice in the streets and saloons of the city. Their indirect influence would be to hold in healthful restraint a much larger number who are indeed in school, but save for the checks of home and school, only a little less bold and bad than the truants. Local influence will not co-operate to enforce the compulsory law; let us have a trial of schools for incorrigibles. Let them be State institutions. Let the school authorities, in connec-

tion with the courts and police, have charge of promotions to these schools, and there will be hope for many a home and community where now the mildest means of getting a bad boy into a bad but safe house of refuge is stealing.

These topics come to the surface in rapid thinking what to write. If they are worth any thing by way of suggestion, I shall be surprised and grateful.

Yours respectfully,
M. M. MERRELL,
Superintendent.

ELMIRA, January 18, 1881.

CHENANGO COUNTY — FIRST DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR. — I respectfully submit the following report of the condition and wants of the schools in this commissioner district.

The district comprises eleven towns viz.: Columbus, Lincklaen, North Norwich, New Berlin, Norwich, Otselic, Pharsalia, Pitcher, Plymouth, Sherburne and Smyrna.

It contains 141 school districts having school-houses in this commissioner district, and nine joint districts with school-houses in adjoining counties. There are five union free schools situated in this district. The one at New Berlin has just been organized, and the first term will begin November 15th. The friends of education there are enthusiastic, and the prospects for a good school are *very* encouraging. The other union schools situated at Norwich, Smyrna, Sherburne and South New Berlin are in a flourishing condition. I have visited these schools often, and can say from personal observation that the instruction given is of a high order.

During the year, 161 teachers have been employed at the same time for twenty-eight weeks or more. Of these, four were licensed by the State Superintendent, one by a State Normal school, and the rest by the school commissioner.

The condition of the schools in every respect is not what we could wish. Still the cause of education is marching *on* and *up* in this section of the State.

We have held two institutes, during the year, one at Oxford, in the second commissioner district, and the other at Norwich, in this district; Professors John Kennedy and James Johonnot conducting the exercises at both institutes. A good spirit and a lively interest prevailed during both sessions, and much good was accomplished.

At Oxford, Thursday was observed as "trustees' day." A goodly number of the trustees were present, who took part in the discussions. I think that most of the friends of education believe the

institute to be a powerful auxiliary to advance the cause of education, and it should be made imperative upon all our teachers to attend.

The interest in our county association was never better. During the past year, I have organized, with the hearty co-operation of the teachers, a teachers' association in the north-western part of my district. Two meetings have been held, and were largely attended. Many of the teachers of this county are earnest workers, and take advantage of every opportunity for improvement. So our institutes and associations are well attended and are places of interest to all who believe in educational progress.

During the past year, I have labored diligently to promote the welfare of the schools by endeavoring to raise the standard of qualification of teachers and encourage them to do more thorough work. My whole time has been occupied with school matters, visiting districts, advising and counseling trustees, holding examinations and making the necessary reports.

I have held twenty-three public examinations. There were 264 persons examined, 145 of them receiving certificates.

I have used the written and oral methods in the examination, believing that I can ascertain the ability of one to teach better than to confine the examination wholly to the written method.

I have made 231 visits to the schools in my district. Besides this I have been to seven districts to advise with trustees and patrons in reference to building or repairing school-houses. There have been four new school houses built and five repaired. Others will be built next year.

In reviewing the schools of this commissioner district for the past year, I feel warranted in saying that the schools and the instruction given are in an encouraging condition, and that they are improving. The demand for better teachers is steadily growing, and the desire for improved methods in imparting instruction is to be seen in almost every district.

I do not feel like suggesting changes in the law or plan of our school system, for I believe our school system is one of the best. It has, however, seemed to me that there should be a uniform system of teachers' examinations for the whole State. The mixture of text-books in our schools is a very annoying affair. The attempt to secure uniformity and prevent frequent changes, so far as I know, is a failure. In my opinion, something should be done by the Legislature to regulate this.

The public money now apportioned according to the average daily attendance should, I think, be apportioned according to the whole number of days' attendance. This would give a district maintaining a school forty weeks more public money than for only twenty-eight weeks.

If the township system will insure correct trustees' reports, prevent trustees employing teachers living in the district (for this is

generally the cause of more difficulty than any thing else), make the teacher's position more permanent and give us better school-houses, I hope it will be adopted.

Thanking the Department for many favors,

I am, very respectfully, your obedient servant,

L. C. HAYES,

School Commissioner.

NORWICH, November 10, 1880.

CHENANGO COUNTY — SECOND DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.— In accordance with your direction of July 20th, I submit special facts in regard to public schools within my jurisdiction.

My commissioner district contains 136 districts, employing 154 teachers. Four of these are union schools with academic departments. There is one academy situated at Oxford.

Of the 132 common school districts, 11 employed the same teacher, during the school year, and 121 employed one teacher for the winter term, and another for the summer. To genuine educators, comment upon this subject is unnecessary; but in justice to the children, in districts where a change of teachers, during the school year, is tolerated, I feel it my duty to protest against this grievous error. No matter how careful and conscientious we are in licensing teachers, the fact is patent that unqualified ones get into the profession. More of these fail in executive ability and methods of presenting the subject-matter, than in literary qualifications; and the oftener a district changes teachers, the greater the chance of being afflicted with an unsuccessful one. Again, it takes a teacher a large part of one term to come into such close relationship with the moral and mental nature of his pupils that he can do the best educational work, and this relationship is broken almost as soon as formed.

Yet I am far from being discouraged in this matter, for one-twelfth of the common schools in my district have availed themselves of the benefit of continued sound instruction which a good teacher retained for the year, will furnish, and many others to whom I have personally appealed, are selecting teachers for the coming winter with more than ordinary care, designing if a good one is obtained to re-engage him for the summer term.

I am gratified with the improvement in methods of teaching, shown in the schools of my district, but especially with the spirit and willingness that teachers manifest to "prove all things, hold fast that which is good."

The difference between failure and success is in many cases but a single step, and I find very few teachers unwilling to take this

necessary step. More educational journals are taken and *read*, more interest shown in the work of institutes and associations, and an earnest spirit of inquiry which is certain to lead them into more light.

I have made, during the year, 215 official visits to schools in my district, and with few exceptions find much to commend.

The school and register give evidence of increased interest, and more frequent visits by parents, and this in its turn leads to improvement in school property.

I am certainly getting a better class of teachers, and their work creates a demand for still more and better. I have adopted the policy of educating the people to the necessity of better teaching, by keeping in advance but not out of sight, and not by a standard so high, that they fail to see the intermediate steps, and hence consider the object unattainable. This method will succeed, I think, and I cannot in any other way.

All transitions in nature are gradual, and this law will apply to public sentiment in regard to our schools. I find that a good teacher paves the way for a better house and furniture, better out-houses and grounds, until finally the school is the hub around which every other interest in the district revolves.

I have granted, during the year, 17 first, 136 second and 82 third grade certificates. Of these, 34 per cent. had never taught, and since, I issue licenses only to those who are to teach. I think this about the change from experienced to inexperienced teachers each year. According to this estimate, teachers remain in the profession only an average of three years. In examinations for license I obtain the most satisfactory results from one partly oral and partly written. When I meet classes at advertised times and places, I devote about three hours to oral, and as much more to written work. Private examinations I make almost entirely oral.

I do not know that my experience is shared by other commissioners, but I cannot fix a certain percentage of correct answers, as a standard by which to judge of their "learning and ability to instruct a common school," and measure them all by this. Perhaps this is the only safe way to deal with those of whom we are entirely ignorant, but my experience proves that many who "talk" well are conspicuous failures in the presence of their schools, and *vice versa*. As an improvement on the present system of examining and licensing teachers, I would suggest that questions to test the educational qualification of applicants be issued by the Department, and the commissioners supplement this either by personal observation of the manner in which the applicant organizes, instructs and educates, or by an examination that shall develop these facts, and the sum of these to be his standing. This will secure greater uniformity throughout the State, which is very desirable.

From some quarters I hear complaints that too much power resides with the Department in deciding disputed school questions

throughout the State. Many of these disputes are of a trifling nature, and show conclusively that people disagree because they can, and not because they must, and I consider it very fortunate that there is a way to settle these disputes in a speedy and inexpensive manner, with as much justice as can be obtained in courts. I cannot see that for this purpose too much power is given the Superintendent.

During the school year, we have had two institutes, and they have done much good. At the one held in May the conductors made a specialty of primary reading, and the interest manifested in this topic alone, with the *results* in our district schools, are worth to this county many times the expense of the institutes. In my judgment, two institutes in each year are worth more than *twice* as much as one. These, supplemented by February and November meetings of our county teachers' association, make four educational gatherings per year, and we who are working for the accomplishment of a common object need to assemble as often as this to see if we stand on common ground.

Public opinion in regard to the object and value of institutes is changing, and from viewing them as simply a device of some sort to give teachers pay for time not spent in the school room, they are considering them of real value to teachers, and through them to the children. I think the prejudice against them arose from ignorance of their character and aim. The existing plan of having them conducted by trained, skillful specialists is in my opinion very much superior to the former system.

Trustees' day, which was a feature of our last institute, did much to correct and educate public opinion in this regard, and I look to a healthy, intelligent public opinion with great hopes for the future.

Those most interested in our Normal schools feel that their work should be limited to instruction in the theory and practice of teaching; should teach not *what* but *how*. I share this opinion, believing that our numerous and prosperous union schools and academies can furnish thorough instruction in a broad curriculum, and students who go from them to Normal schools do so expecting to *teach* after graduation.

The State is liberal in support of Normal schools and teachers' classes in academies, and it has a right to *require* that the profession of teaching shall be closed against all those who have not availed themselves of the instruction thus furnished. I should like to see legislative action upon this matter, for by this means every district school would be a sub-Normal school, and teaching no longer a make-shift for those who like Micawber are "waiting for something to turn up." I feel that this will do much to raise teaching in our rural districts to the rank of a profession.

Deeply grateful to the Department for the courtesy extended to me during the past year, I remain,

Very respectfully yours,

J. E. BARTOO,

School Commissioner.

COVENTRY, November 8, 1880.

CLINTON COUNTY — FIRST DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—In addition to the statistics heretofore forwarded to the Department, in compliance with your direction, I have the honor to submit the following report :

There are, as appears by the trustees' reports, 9,011 children of school age in this commissioner district ; of this number, 6,520 attended school some portion of last year ; in their instruction, 147 teachers were employed. The whole expense incurred for school purposes amounted to \$40,959.46.

By examination of the statistics given below, some idea can be formed of the progress made during the last fifteen years.

	No. of children of school age.	Average daily attendance.	No. of teachers employed 28 weeks or more.	Amount expended for teachers' wages.
1865	9, 269	2, 286	100	\$13, 498 92
1870	9, 519	2, 546	110	23, 675 02
1875	9, 346	3, 165	127	29, 005 40
1880	9, 011	3, 255	147	29, 370 75

It is gratifying to observe that while the number of children of school age is 258 less than in 1865, the average daily attendance has increased 969. In my opinion this increase in the daily attendance is largely due to the unusual interest awakened by the employment of better qualified teachers.

I have made 266 official visitations, during the last school year, in nearly all cases examining classes in the subjects studied during the term.

In this way I have been enabled to determine the character of the instruction imparted ; to give inexperienced teachers a practical lesson in the improved methods of instruction, and at the same time to discover, and show to teacher and pupils any lack of thoroughness in their work.

In these visitations a radical change in the methods of teaching

reading has been brought about. Instead of the old a, b, c method, children are now taught words and sentences at sight, and in the advanced classes, instead of allowing each pupil to read a paragraph in turn, criticising only pronunciation, the idea conveyed in the sentence is first sought, then an attempt is made to give expression to the thought. Children taught in this way are usually interested in the subjects of their reading lessons. This interest stimulates inquiry, and in the effort to satisfy their curiosity, a taste for reading is usually acquired.

Too often teachers seem to think that the chief object of our schools is to impart to the children as many facts as possible. But little investigation or thought on the part of the pupils is required by such teachers, and as a consequence no taste for further reading and study is acquired. Children so instructed derive but little, if any, advantage from their schooling. We will admit that mere ability to read does not make one a more intelligent or better citizen—it is only by the exercise of this power that any benefit will be derived.

It is an unfortunate result of the character of the work done in our common schools, that but few, comparatively, of those who are dependent upon them, ever educate themselves any further. In examining schools I have investigated the reading done by the larger pupils, and to my surprise found that in not one school in twenty were there any pupils who had ever read a book except their school books, yet among these, were pupils who believed themselves so proficient in the art of reading that they did not join any of the classes studying that branch. The greatest obstacle to overcome is the lack of reading matter suited to the capacity of children. I have arranged in many instances for one of the pupils to make a list of the books in the district library, for the use of the school, urging pupils to consult their teacher in selecting from this list, I find that pupils who read much make greater progress in all their school studies, because of their better knowledge of the use of words.

The marked improvement in teaching reading has had a beneficial influence upon the work done in all the other branches. Children who are taught that the first step in reading a sentence is to discern the thought it contains, understand more readily the rules, definitions and explanations in all the other subjects.

A few years since but few schools could be found where the work had been thoroughly done. The pupils' knowledge of lessons but recently studied was vague and indefinite. In arithmetic even, the advanced classes could not write numbers of three periods readily; not one pupil in a hundred could find the least common multiple of a series of numbers, or divide a fraction by an integer, and if a column of figures were given to be added, there would often be as many answers as there were pupils in the class. I could not find a rural school in which the diacritical marks used in spelling book and dictionary were understood. Many teachers could not give the ele-

mentary sounds. Classes could rarely be found who understood the scope or meaning of selections but recently read. The study of language was limited to learning definitions, rules and parsing. No written work of any kind was required. There were no examinations, written or otherwise. Such was the condition of a large number of the schools under my supervision. I regret to be obliged to say that a few districts have resisted every effort to bring about a change, and in some cases have met with success. The time of the children in many schools was worse than wasted — wrong conceptions of education were inculcated, and the parrot-like recitations tended to dwarf rather than develop the intellect. Many who attend such schools from the time they are old enough to go until they are men and women grown, are unable to read a newspaper intelligently, or write a simple business letter. A considerable portion of the \$40,000 annually expended upon this branch of the public service, in this commissioner district, was so expended as to benefit neither the State nor the children. Nothing could be done in the way of reform until the schools were supplied with better qualified teachers. To secure such teachers a system of written examinations was devised. The requirements for the different grades of licenses were made to conform as far as possible to the regulations of the Department as given in the Code, except that in addition to the knowledge of subjects there required, applicants were examined in and required to know something of the best methods of teaching as practiced in our normal schools and by our best teachers. At first, many who had taught failed to obtain certificates, and many holding first grade licenses received those of the third grade. This policy pursued made every teacher a student. The average daily attendance at the institute increased from sixty-five to two hundred and thirty. Teachers' classes were organized and conducted by the older teachers in nearly every village in the district. Many of the teachers attended these classes and the classes organized under the supervision of the Regents at Plattsburgh and Keeseville. The meetings of our county association have been largely attended. Had it not been for the co-operation of the earnest teachers who are always in attendance, the work of elevating the standard of qualifications required for teachers' licenses could not have been carried on without engendering so much opposition that the commissioner would have been much embarrassed in the performance of his duties. It is now possible to supply the schools of this district with teachers who are fully qualified, but those of the lowest grade are more likely to find employment because they can afford to teach for less wages, trustees being generally more anxious to limit expenses to the amount apportioned by the State than they are to have a good school. In many, if not in a majority of cases, trustees are elected in the interest of some scheme to use the public money to promote private interests. Sometimes relatives are to be favored with liberal wages, in other instances the trustee divides the school fund with the teacher, he taking a considerable portion

for board. Again, the trustee having large boys who can only attend in the winter, employs a first-class teacher for that term, but his neighbors who send during the other term must be content with the "cheapest" teacher that can be found.

Even with thoroughly qualified teachers, our schools can attain no great degree of excellence while teachers are allowed to remain only one term in the same school. Our schools are work-houses, the children are the artisans, the teacher is overseer and director. His success depends upon his ability to get pupils to do the work. Think of the factory employing fifty hands whose overseer is changed every three months. Every business man knows that a few such changes would bring ruin. Excepting the union schools at Plattsburgh and Keeseville, there were 101 schools sustained in this district last year; in 79 of these, the same teachers were not employed two terms in succession. In 1879, there were 85 school districts having but one trustee; only 17 of these trustees were re-elected in 1880. Even if every school was supplied with a competent teacher, under the existing arrangement, the instruction given would be necessarily fragmentary and the result unsatisfactory.

I can see no remedy for these evils under the present district organization. The result of placing a large number of schools under the control of a board, as in the case of the union schools of our cities and villages, and the experience in other States where the township system has been adopted, shows the advantage to be derived by such an arrangement over leaving each school to be managed by a single individual. The reports of the commissioners from other counties show that the rural schools throughout the State are not doing the work expected of them. In the early history of our schools the present district organization was probably the most effective one possible, but the requirements of the present are materially different, and our system should be modified to meet the demands of to-day. The employment of teachers and construction and care of school-houses should be put upon a business basis. In nearly all matters touching the expenditure of public funds a board or committee is charged with the trust. Let us have a similar committee charged with the management of the schools of each town, and a more business like arrangement will result. This matter has been urged repeatedly upon the attention of the Legislature, by the Department, as well as by committees of the State Teachers' Association and State Association of Commissioners and City Superintendents, but thus far it has received but little of its time or attention. The last annual report issued by the Department shows an expenditure of upwards of \$10,000,000 for school purposes. Aside from the importance of providing the best means possible for the education of the youth of the State, the expenditure of this immense sum should secure the earnest attention of the Legislature.

LICENSING TEACHERS.

During the last school year, I issued 201 teachers' licenses, classified as follows: 12 first, 87 second and 102 third grade licenses.

The third grade licenses being only for six months, the same persons in some instances were licensed twice. I held examinations in the different towns twice during the year. To accommodate those who failed to attend and who afterward applied for licenses, another examination was held a few weeks later. I do not examine teachers except at these public examinations. Could the township system be adopted, I believe the town board or committee should be required to select a teacher holding a first grade license for its clerk, who should be associated with the commissioner in passing upon teachers' qualifications. In case of their failure to agree as to whether a teacher should have a certificate or not the papers to be submitted to the Superintendent for decision. There are many who never make any special preparation for teaching and who do not intend to make it their business, but after the usual examinations have been held, a position is found where they can teach with profit to themselves. With this class the grade of license is of no consequence—the only object is to “keep school” and draw their pay. In all other professions applicants for admission must appear at some particular time and place for examination, but the system of licensing now in force in this State assumes that there is nothing in the business of teaching requiring any special preparation. Pupils of ordinary ability who have taken the course provided in the grammar schools of our villages are entitled to third grade licenses, making them *legally* qualified teachers. In my opinion, much more than this should be required, and such regulations made as would exclude all who have not specially prepared themselves for the profession.

GRADED SCHOOLS.

I have endeavored to secure the establishment of graded schools in the different villages of the district. Such schools are now in successful operation at Clintonville, Ausable Forks, Black Brook, Dannemora, Clayburgh, Morrisonville and Schuyler Falls.

In the two latter villages, there are too many children to be taught successfully by one teacher, but hardly enough to justify the employment of two in such place. I have endeavored to strengthen these districts by annulling No. 6, dividing its territory between No. 7 and Morrisonville district. My action in the matter has resulted in an appeal which is now pending. It is my intention, should my action be sustained, to transfer a part of the territory in No. 7 to Schuyler Falls district.

I hope soon to see graded schools established at Redford, Moffittsville, Saranac and Peru.

TEACHERS' INSTITUTES AND NORMAL SCHOOLS.

The institute for this county, held at Plattsburgh, under the direction of Profs. De Graff and Northam, was largely attended. The instruction was practical, and the interest continued to the

close. The institute, in my opinion, has been the most potent factor in shaping the methods of instruction now practiced in the county. The normal schools have had but little direct influence. No normal graduate was employed, during the year, in this commissioner district, except in the union school at Plattsburgh. In my judgment, these schools are not accomplishing the work designed by the Legislature when they were established. I am unable to see wherein the work done by them differs materially from that which is carried on by the graded schools of our cities and villages, except that, during the last year of their course, attention is given to methods and practice. This work done the last year is all that legitimately belongs to them. It would be quite as appropriate for schools of law and medicine to give instruction in the English branches. The mass of those who attend them could and would be as well instructed in these branches in the immediate vicinity of their homes, and without expense to the State. When a thorough knowledge of subjects is acquired, then it is the province of the normal school to give instruction in the art of teaching them. Only persons possessing a thorough knowledge of the common and higher English branches should be admitted; a course of professional training covering one year, and embracing school economy, methods and practice, should be provided. Our college and high school graduates would then be enabled to make some preparation for the work of teaching instead of being obliged to enter upon it, as they now are, without any special preparation.

It should be borne in mind that there is nothing in a high school or college course that bears in any way upon the methods of teaching the subjects pursued in the common schools. We do not expect any one to practice medicine, law, or to preach successfully, without being trained in his particular profession. I know of no stronger reason for expecting any one to teach with success, without first preparing for his work.

In my opinion, the change suggested would widen the influence of our normal schools by securing the attendance of large numbers of college and high school graduates before they engage in the work of teaching. Very few of these ever receive any professional training, yet the instruction of teachers' classes usually falls to them. Their ignorance of the best methods, misleadst he members of these classes, who go out from them in turn to instill error in the trusting minds of the children placed in their charge. By limiting our normal schools to purely professional work, an annual saving to the State of a large sum would also be effected.

TEACHERS' CLASSES.

Teachers' classes were organized, under the supervision of the Regents, by the union schools at Plattsburgh and Keeseville. The former has been sustained throughout the year, under the instruction of Miss T. M. Knight, who is thoroughly conversant with the Normal

methods. A number of the members of this class are now teaching successfully. The board of education, with commendable public spirit, have employed the same teacher, and are continuing the class the present year without State aid.

Plattsburgh, being remote from any of the normal schools, is a suitable locality for the permanent organization of a normal school such as has been suggested in my remarks under the head of normal schools.

I hope that the Governor's veto of the appropriation for these classes does not evince a determination to dispense with them altogether, unless their places are to be supplied by permanent classes so organized as to do the work now being done by the normal schools the last year of their course, and so distributed throughout the State that they will not conflict with the normal schools now in operation.

All the agencies for the instruction of teachers should be supervised by the same authority.

REPORTS.

The law in relation to compulsory education having become inoperative because of the time having elapsed before which certain steps were required to be taken by the trustees, I can see no reason for requiring statistics in relation to the matter. The work in securing such statistics is burdensome, and, if unimportant, ought not to be required of the trustees.

The labor of making the annual apportionment is more than doubled by requiring the average daily attendance to be given in thousandths. Would it not be sufficiently accurate to add one in cases where the fraction of a day exceeded one-half, and reject the fraction when less than one-half?

I fail to see the importance of statistics each year in relation to the amount of land in school-house sites, the value of the same, the valuation of school property, and the valuation of the property in each district. By requiring statistics on these points every fifth year, instead of annually, much annoyance to trustees would be avoided.

COURSE OF STUDY.

If the same teacher were to remain in a school several terms, it would seem to be very important that a plan of work or course of study be agreed upon at the outset. How much more important, then, does this become, when it is known that few teachers remain longer than one term in the same school.

Authority to prescribe and enforce a uniform course throughout the common school districts, should be vested in the Department. However frequent the change of commissioners and teachers, this course could be steadily pursued. Under the present arrangement, teachers have no guide. Commissioners are no better off in this

respect, and are without authority so far as school room work is concerned. They may find abuses without number, but all they are authorized to do is to *advise* changes—the teacher may act upon his suggestions or not, as he pleases.

It affords me pleasure to report that only first-class teachers are employed in the union schools at Plattsburgh and Keeseville, many of whom have held their positions for several years. The lack of suitable accommodations has caused much inconvenience at the latter place, but a new school building is to be erected the coming year, at an expense of \$12,000.

I embrace this opportunity to express my acknowledgments to the teachers, trustees and inhabitants of this commissioner district for the uniform kindness and encouragement I have received while engaged in the performance of my duties, and to the Department for its forbearance and courtesy.

All of which is respectfully submitted.

JOHN B. RILEY,
School Commissioner.

PLATTSBURGH, December 8, 1880.

CLINTON COUNTY — SECOND DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.— In obedience to your direction, I have the honor to submit the following brief statement relative to the condition and prospects of the schools of the second commissioner district of Clinton county.

It affords me pleasure to be able to report that the schools in this district are gradually receiving new accessions of improvement, and that the public generally is awakened to the importance of raising our schools to a higher degree of excellency. There are, indeed, a few districts whose improvement has not been so evident as is desirable, partly in consequence of local and almost uncontrollable circumstances, which will doubtless be found receding with the advance of general education. On the whole, however, there has been a reasonable improvement in the character of our common schools during the past year; the result is due, in a measure, to better instruction and training. One class of teachers have been less fixed and mechanical in their manner of teaching, and have adopted a more practical and intellectual method. Text-books are being used more as an intermediate help, and the oral and more practical plan has become generally introduced, and its result is fast removing that dull and monotonous method of memorizing words from books, without developing ideas. This plan has become a welcome and agreeable exercise to the pupil, and has given life and interest to both the business of imparting and receiving instruction. In those

districts where there has been a hearty co-operation of the patrons with the teacher in securing a regularity in attendance, the pupils have, quite generally, acquired a thorough and practical knowledge of the branches taught.

The improvement of school-houses in this district, made by the erection of new and the repair of old ones, is also a gratifying evidence of the spirit of the people, and of the interest they take in the subject of education. Four model school-houses have been built the past year. Districts No. 2, Mooers, and No. 11, Clinton, have recently finished the two finest and most convenient rural school-houses in this district, each of which are properly ventilated and furnished with the most modern furniture.

Union free school district No. 5, Champlain, which has recently been organized by the consolidation of districts Nos. 5 and 13, deserves especial commendation for the enterprise and public spirit of its citizens in purchasing a fine site in the village of Rouse's Point, upon which a fine substantial school building is in progress of construction. It is being built of brick, three stories high, and promises to be a model school building in every respect. Its cost will be about \$10,000.

District No. 7, Chazy, has also built a convenient frame school-house the past year, at a cost of about \$400.

There are yet a few dilapidated old structures remaining in this district, unfit for use, several of which are to be rebuilt this season.

During the past year, 233 licensed teachers were employed; 220 were licensed by local officers, two by the State Superintendent and 10 were normal school graduates. The number who taught two consecutive terms in the same district was but 41. Some of these teachers have been employed in the same school for two or three years, and the superior proficiency which many of their pupils have made in their several studies, clearly shows the importance of retaining a good teacher more than one term.

The number of children of school age residing in the district was 8,512, the number who attended school some portion of the year was 5,868, the average daily attendance was 2,746,320, and the average number of weeks taught by each district was 30½.

The whole amount of money expended for school purposes was \$32,458.15, of which sum, \$16,380.86 was apportioned to the district from public money. The amount expended for teachers' wages was \$23,511.88. The average cost per child of school age was \$3.81.

During the past year, I examined 283 applicants for certificates. Of this number, I have licensed 169, granting 10 first grade, 70 second grade and 88 third grade certificates. I held ten public teachers' examinations during the months of March and October in the several towns of this district, and one in connection with the teachers' institute. These examinations were principally written ones, and embraced the different branches taught in the common

schools. Candidates were also required to have a knowledge of methods of teaching.

I am happy to say that among these teachers, a respectable number are well qualified for the responsible duties of their station. In addition to possessing a thorough knowledge of the branches taught, they have an ability to teach. They cultivate thought as the object of instruction. While I find a good number who do honor to the profession, too many do not possess the proper qualifications for developing and training the mass of mind committed to their charge. Of this class, the majority are gradually improving in their manner of teaching. Their literary attainments are better and more thorough. Many of them have attended school during the fall and winter terms, also take great interest in attending teachers' institutes. Nearly all read more on the subject of teaching than formerly.

I have made 261 official visits to schools, during the past school year, visiting as many as possible during the early part of each term. In addition to determining the standing and classification of scholars in the several schools, my attention was principally directed to the manner of teaching pursued, and when necessary, to give teachers such information in the most practical and approved methods of teaching, as my judgment and experience would suggest, to aid them in a most efficient discharge of their duties, by means of which the scholars could acquire more practical knowledge in a more natural way and in less time than before. In some schools much labor was needed to produce the desired change. To assist teachers in reducing the mass of confused matter composing our schools to something like system and order — to break up that dull and monotonous manner of reading, and to induce teachers to require their scholars to read in an easy, natural tone, understanding what they read, and permitting others to understand also — to teach geography by commencing with places and natural objects with which the child is familiar, and from these extend his knowledge to those more remote — to lead him, in imagination, across rivers, over hills, through the school district, town, county and State in which he lives, until he has a general knowledge of his own country — to teach scholars that the object of studying grammar is to improve their own language, instead of learning dry definitions from the book, and unless it is taught in such a way as to produce this result, it is of no use whatever — all of these have been a work of time and difficulty.

I have also made a beginning towards revising the records of district boundaries in this district. In some towns the district boundaries are so indefinitely defined that it is impossible to trace the original boundary lines, and has been a source of much confusion and difficulty.

The teachers' institute for this county was a joint one, held at Plattsburgh during the last week of March. It was under the very able instruction of Profs. E. V. De Graff and Henry C. Northam.

The session was unusually interesting. The instruction was principally confined to methods of primary teaching; each step was practically illustrated to a large number of teachers who were constant in their attendance. Great interest was manifested by the teachers in the various exercises presented, and the instructions received are being practiced in many schools.

My thanks are due to the Department for favors rendered, to parents and citizens for their kindness, and to the teachers and school officers for their hearty co-operation and uniform courtesy.

Your obedient servant,

ALEXANDER BERTRAND,

School Commissioner.

PLATTSBURGH, *December 30, 1880.*

COLUMBIA COUNTY — FIRST DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—The commissioner of schools for the first district of the county of Columbia, in compliance with the invitation of the Department, submits herewith the tables and abstracts, which exhibit the operations of the common school system for the year ending September 30, 1880.

These tables are deemed important and interesting, not only as indicating the statistical results of the past year, but because they furnish materials for comparison with returns of a similar character in former years, the growth of our system of general education. The information thus attained is valuable, also, in affording the means of comparing the action of this district, in the matter of educating her children, with what is done in a similar direction by other districts; and thus deriving, from the experience of all, hints for improvement in this essential duty.

Among the facts disclosed in the returns herewith submitted, it may not be irrelevant to call attention to the following:

The number of school districts under my supervision is seventy-two, and six joint districts having their school-houses in an adjoining county. The average number of persons between the ages of five and twenty-one years in each district is sixty-nine. The average number attending school in each district is fifty. In this calculation, the schools of the various villages are included; and hence it is obvious that in the strictly rural districts, the average attendance of pupils is less than the number.

The number of licensed teachers employed at the same time was eighty-two. Whole number employed, during the year, was one hundred and thirty. Of these, one hundred and seven were licensed

by school commissioners; by the State Superintendent fifteen, and eight by Normal schools.

The number of children between five and twenty-one years was 4,970. The number enrolled upon the school registers was 3,738. Average daily attendance, 1,732. There was only one district that reported twenty-eight weeks, while thirty-five reported forty weeks or more. The longest time school was taught is reported forty-four weeks.

The amount of moneys on hand October 1st, 1879, was \$639.67; the amount of public moneys apportioned among the schools of the district was \$10,346.30, and the amount raised by tax and from other sources for the support of the schools was \$15,162.23, making a total of \$26,148.20. The amount paid for teachers' wages was \$20,999.95; libraries, \$17.62; school apparatus, \$73.10; school-houses, repairs, etc., \$2,928.04; incidentals, \$1,540.68; and the amount on hand September 30, 1880, was \$570.06.

The estimated value of school-houses and sites is \$55,055. The assessed valuation of property taxable for school purposes in the district is \$8,528,094.

Many of the school-houses are sadly deficient in respect to suitable ventilation, proper seats and desks and other conveniences. To secure more suitable accommodations for teachers and pupils has been my constant endeavor, and I have succeeded in inducing the people of three districts to build new and commodious houses during the year. The old school-houses have been replaced with convenient and handsome edifices, planned with some regard to their importance, the public convenience and the principles of taste. The internal arrangements are in accordance with the most improved plans, and are in each instance specimens of architectural beauty and well worthy of the spirit and enterprise of the friends of education.

District libraries are so unmercifully cared for that it seems almost a mockery to call your attention to them, and I should hesitate to do so were it not for the purpose of inquiring why they are allowed a nominal existence when they are virtually dead. This powerful and direct source of intelligence to a rural population should not be suffered to decay. Now, when the people are interesting themselves enough to select suitable men trustees, and when the publishers are vying with each other to produce cheap literary productions, is the time to re-establish this means of general knowledge. If the moneys devoted to this object were expended under direction of the commissioner it would insure its application to the purpose contemplated by law, and would give to the districts a library of useful and entertaining knowledge. In any event, the subject demands the earnest attention of the Legislature. Let it not be set down as one of the crying sins of the country that good and intelligent men refuse to acknowledge their duties to the public.

Trustees generally try to do all their duties faithfully. Some of them have had intelligence and observation enough to afford much

interesting information in relation to the schools. There are many who make good selections in the employment of teachers, endeavoring to engage the best rather than the cheapest, and who cheerfully co-operate with them in advancing the best interests of the schools, while others adopt the "penny wise and pound foolish" plan, and contrive every available means to secure a cheap school by hiring incompetent teachers. Examples of the first class encourage imitation while they reward those who furnish them, and every year sees one individual and another embarking in the delightful career of promoting the intellectual welfare of their community, and new exertions made by those who have become more interested or encouraged by what they have already effected. Appeals of the commissioner urging the employment of those teachers who attend the institutes and meetings of the association and endeavor to qualify themselves for their work, have been responded to in the selection of teachers.

If it be useful to a mind to contemplate the operations of an important and valuable machine, must it not be an improving task to observe the operations of an institute? The institutes that have been held go on record as the most important, interesting and instructive ever held in the county. Permit me to take this opportunity of expressing the thanks of the commissioners to the Honorable Superintendent of Public Instruction for his presence at the institute held in November. The earnest, practical address, admonishing the teachers to teach not only by precept but also by example, was highly appreciated by teachers and citizens. The institute held in June was more fully attended, and goes upon record as the most successful and interesting ever held in the county. The attendance of teachers was very encouraging, even on the first day, and before the institute closed 175 names were recorded. It does not seem possible that these teachers could listen to the original and practical instructions of Professors Kennedy and Johonnot, given with so much force and earnestness, and fail to be greatly benefited thereby, each succeeding day conveying new ideas and methods, but so closely connected that the teachers gave their undivided attention, fearful lest some important link might be lost.

Primary teaching, school work, school organization, school hygiene, mathematical problems, dissected maps, use of charts, grammar, formation of tenses, language, were all taken up and treated in a scholarly manner. These institutes are considered of great personal benefit by the teachers—they go away reminded that they must faithfully improve their scholarship—that they must overcome selfishness by studying the needs of others, endeavor to increase their influence and shape public sentiment, and that they should be thoroughly conscientious in the discharge of the important duties devolving upon them. In many districts the beneficent fruits gathered at the institute are strikingly apparent in the improved condition of the schools, the result of an awakened and enlightened professional spirit among teachers, engendered by intercourse with each

other, and the suggestions of experienced, intelligent and practical men. We need most, at the present time, able, trained and earnest teachers. I know of no agencies so well calculated to meet the demands as our normal schools and teachers' institutes.

There was no teachers' association existing in the county when I commenced my duties as a commissioner, and as soon as opportunity presented itself, I made my wishes known to the teachers, and they enthusiastically concurred in the formation of an association. So many measures have been taken with direct reference to the diffusion of knowledge, that those who appreciate its value are sure of receiving support in any judicious efforts they may make in its favor. At the institute in 1878, an association was formed which has since held meetings every six weeks during the year, from place to place, in all the towns of the district, in order to meet the trustees and patrons of schools in whom we desire to awaken renewed interest. The exercises have consisted of lectures, discussions, class exercises, and the exchange of ideas pertaining to the best methods of teaching. At these meetings the teachers have become better acquainted, and have had opportunity to compare views and experiences in regard to methods of teaching; the inhabitants have been able to see something of the earnestness and qualifications of those engaged in teaching, and all concerned have been benefited.

No man deserves the grand title of a friend to education who does not do something to advance the progress of education; to diffuse educational thought; to increase the teacher's influence, skill and remuneration. There is nothing, in my opinion, that will better subserve to elevate the standard of the schools, than for school officers to unite in their efforts to make teaching a profession that will pay. Let them banish their creed, as narrow as that of the Mohawk Dutchman who prayed: "The Lord bless me and my wife, my son John and his wife, us four and no more. Amen." Let those who follow teaching receive a just compensation, and none be permitted to engage in it who are not *well* qualified. Greater pecuniary inducements are being held out to teachers in many districts, but let it become universal, and with the spirit of emulation that is daily becoming more prevalent among members of the profession, it will speedily exert an elevating influence in common school education. The teachers have a fair claim upon the public as productive laborers of pre-eminent usefulness. Including both sexes, their number far exceeds that of all the other learned classes taken together. Without the encouragement of honorary distinction, with but moderate and too often such inadequate salaries as leave them in the bleak and blighting shades of poverty, upwards, perhaps, of twenty thousand in the State of New York are sedulously employing what abilities God hath given them—abilities, not unfrequently of respectable grades, in an exterminating warfare against ignorance, waged solely by means of dispensing instruction to childhood and youth. This is an inval-

nable standing army which, so far from endangering public liberty, is, of all means, the most conducive to its preservation; a literary corps, which the country is bound, by every tie of duty, to cherish and reward. The general interest manifested by a majority of the teachers in my district is highly encouraging. They avail themselves of each and every opportunity offered for improvement, and thereby gain, by their energy and perseverance, the confidence of the public. The services of such are sought for, and they occupy positions of importance in the country as teachers; while upon the other hand, we have some that are never seen at an institute or association, and, consequently, are compelled to accept situations in schools of a lower order. I have granted but few (fifteen) licenses of the first grade, as I consider it in most cases detrimental to the advancement of the candidates receiving them. I have made it my constant aim to raise the standard of teachers' qualifications, and have been supported in this by a resolution of the teachers of the district association. The result has been highly gratifying; and notwithstanding the standard of qualification is far too low, and probably will continue so, for the supply of well qualified teachers is not equal to the demand, there is sufficient evidence of improved methods in teaching, and there is a commendable ambition manifested by those who are teaching, and who intend making it a profession, to qualify themselves for the work.

The need of normal schools in a system of education is of the utmost importance. To conduct our schools we need teachers trained in the art, and drilled in the actual work of teaching. But the normal schools are beyond the reach of many. My colleague, Mr. Bushnell, and myself, have discussed with teachers a project for holding a special institute of eight weeks' duration sometime during the winter. The special institute would afford them an opportunity to take up any studies in which they might feel themselves deficient. Many have signified their intention of attending. The lines of study will afford the teachers opportunities for advancement found only in our normal schools. We consider the project eminently calculated to raise the standard of education by advancing the instructors. A sufficient number of names has already been secured to insure the formation of the institute, but there are many more who need to take advantage of it—and *can* do so if they will.

The wants of this commissioner district are many. The most urgent ones may, I think, be stated as follows: One of the principal wants is a deeper interest on the part of patrons in our educational system; one which not only causes them to visit the school, but which gives them a higher conception, a more intelligent comprehension, of the duties of teachers and school officers. They should feel the superior power and respectability of knowledge, and seize every opportunity to use language and express sentiments favorable to the advancement of our common schools, and thus by coming out as avowed champions of education exert a salutary influence in the communities in which they dwell.

Another want in our common schools is a uniformity of text-books. While the present diversity of such books continues to exist, common schools will never rise to their real and true usefulness. It is the most serious drawback that the teacher has to contend with. Its sad effects are apparent to all interested in the noble cause of popular education. Under existing circumstances it is difficult to secure uniformity. To remove all difficulties in the way of such a help to school work, a commission should be appointed to prepare with due deliberation a complete series of text-books, to be reported to the Legislature for its sanction. The multiplicity of text-books forms a barrier to classification, where the books are not uniform, two, three, or four classes being thus made necessary, where, with uniformity of books, there need be only one; while families moving with different text-books into a new neighborhood introduce a like confusion there or are put to additional expense for change of books. The only remedy is a law requiring uniformity of text-books throughout the State, so that families furnished for one school or school district would be furnished for any other in the State.

As respects irregular attendance, one which grieves the heart of every earnest teacher, the fault lies not so much with the child as the parent. This is a serious evil which hinders progress not in the absentees alone, but often, also, in all the school. Where it arises from laxity of parents in allowing children to be absent for trivial reasons, I would have teachers and school officers refuse to excuse an absence unless in every case a written and sufficient explanation of it is presented from the parent or guardian. When it arises from willful truancy some severe method should be adopted.

Another difficulty is non-attendance. The right of every parent to send his child to a district school is considered as entire as the claim to air and water; and indeed many resist taking more instruction than they please, as they would object to excessive eating or breathing. The people of the untaxable class are not called upon to provide for the support of their schools, nor obliged at any time to go without them, and therefore do not often contemplate, if they ever do, the real value of regular education. The right of the State to tax a person for the education of other people's children implies the right of the tax payer to demand the education of those children. The State not only has the right, but it is its duty, to require a certain amount of intelligence in all the children who live within its borders. To accomplish this it may be necessary to compel the attendance at school. The compulsory education law is practically a dead letter in this district, not from any disposition to ignore its provisions, but from a conviction of the impracticability of executing them. How this obstacle to human improvement can be overcome, by what means we can hope to triumph over poverty in intellectual, as we can in physical respects, is yet to be determined. Certain it is that this is a question of great importance,

and the success we have had in improvements of less consequence should stimulate our exertions in this.

But it is more agreeable to approve than condemn. Let us take this favorable opportunity to remark that, there is no other position better calculated to give pleasure or sorrow to a friend of learning than to be a commissioner of schools. Nor can we doubt that there is a large depository of power here which should operate upon our country extensively. Much might be done, and is done, by devoting not so much to the cultivation of the higher branches of science and literature, with which so few have any concern, but to the incitement of parents to give a proper domestic education to their children, the inculcation of sound principles on this and many other subjects essential to private and public prosperity and happiness. In all his intercourse and duties, the commissioner must ever have in view the many relations his position involves. He has to meet the inhabitants as parents, responsible for one of the dearest trusts of earth, and hence justly jealous of all that affects the well-being of their offspring. I can assure you that I have received the hearty co-operation of the people of this commissioner district in all my official duties. Having made one hundred and forty-three official visitations during the year, and also met with teachers and trustees to consult together as to the most effective measures of producing an interest in their respective schools, it has fully occupied my time. At each of my visits I have made memoranda of the condition of the school, the methods of instruction, ability of teacher, whether the school was provided with maps, globes, etc., and condition of buildings. Whenever I deemed it judicious to call the attention of trustees to any defect in these matters, I have done so with a beneficial result.

In the building or repairing of school-houses, the settlement of boundary lines of districts, disposing of applications to be set off from one district to another, examining and licensing teachers, have I encountered any apparent opposition. I have great confidence, by what I conceived was right and just, and my decisions have been cheerfully acquiesced in, and I have no knowledge that even an appeal to you in any case has been contemplated. Therefore I acknowledge with gratitude the personal favors received from the people of this district, the cordial feeling exhibited, the ready disposition to make improvements in accordance with suggestions that have been offered; and further, I would tender my thanks to the many clergymen, lawyers, teachers of private schools and academies who have attended and taken a deep interest and an active part in our associations; to the teachers for their kind forbearance and the cheerfulness with which they have complied with my suggestions, and to the people for their cordial support and generosity. Although we have not been able to accomplish all that is to be desired, yet, however slow and tedious may be the progression and labor resulting from unwearied exertions, still, ultimately, it may be accomplished, and the work completed, if perseverance continues to

act. Indeed perseverance is the only surety of the accomplishment of any enterprise, for without it we may labor industriously for a season, but still the object, however laudable and important, will never be fully consummated. Genius is of no importance, unless its powers are brought out by this agency; it is a mere meteor flashing for a moment, and then lost forever. It is in persisting in what is undertaken that enables the most humble mind in point of intellectual powers to rise and pluck a branch from the laurel, to drink deep from the fount of Parnassus, and inscribe its honors high on the temple of fame! I would impress upon the minds of teachers, that constant, untiring, persevering industry has made every truly great mind in this and in every other country; and this, and this alone, will enable us to improve the talents God has given us. Such is the power of this noble agent of the mind, and I trust you will not undervalue its importance.

It has not been our purpose to present any new theory for the management and advancement of our schools. An imperfect system has often proved eminently successful under judicious administration, while the most perfect has repeatedly failed through mismanagement. Hence abstract discussions of theories or systems are of uncertain value. No one can wade through a hundred or more of the reports of commissioners without being impressed with the fact that in the minds of all these managers there is a manifest desire for progress and great efficiency. While the history of our schools discloses the fact that provision is made for every class of unfortunates, and that the benevolence of the people is rapidly increasing, it exhibits, also, most noticeably, the recognized power of *mind* and of *moral instrumentalities*.

In conclusion, our thanks are due to the Department of Public Instruction for its prompt and explicit answers to our communications, and to the press for its friendly aid in our efforts to promote the interest of the schools under our supervision.

Respectfully submitted,

AMASA P. LASHER,
School Commissioner.

GERMANTOWN, *November 30, 1880.*

COLUMBIA COUNTY—SECOND DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In accordance with your directions, I take pleasure in submitting the following report:

I have made nearly 200 official visits during the past year, giving counsel and advice to the best of my ability, whenever it was asked for or needed. I found most of the schools in a prosperous condition, and many show a decided improvement since my first visit. Those schools which are under the control of one teacher for a year

or more, show better results and more advancement among the pupils than those which are continually changing teachers.

Constant change of teachers is the bane of our country schools. We want more thorough-going teachers, and I think the time is coming when we shall have them, for I believe a change of sentiment in regard to education is showing itself among our people. To be sure in some of our school districts teachers are employed for the very least amount of money they can be induced to teach for. In these schools I generally find teachers possessing qualifications of the third grade; but many of our school districts are willing to offer fair inducements to good teachers, and I hope to see more persons of education and refinement turning their attention to teaching as a profession.

During the past year, I have granted four certificates of the first grade, 25 of the second grade, and 21 of the third grade. I have also renewed 14 first grade and 15 second grade licenses given by other commissioners. I have required both written and oral examinations in most cases. I have encountered great difficulty in getting teachers together for examination. Many teachers prefer to hire out first and get a certificate afterward. I shall endeavor to stop that habit if possible.

The number of normal school teachers is continually increasing, and in most cases they give general satisfaction, and are a success in their manner of teaching and control of schools under their charge. I earnestly hope the time will come when a majority of our teachers shall be graduates of the normal schools.

Professors Johonnot and Kennedy (than whom none are greater), have conducted two institutes in this county during the past year. These institutes were a success both in number of teachers present and amount of good earnest work accomplished.

We have a teachers' association in this commissioner district having a membership of nearly seventy active teachers. The meetings are held quarterly and are well attended both by parents and teachers. These meetings are very interesting as well as profitable to all who are present.

School-houses.—Four new school buildings have been erected during the past year, and many more have been thoroughly repaired and renovated. People are beginning to know that the school-house is a good index of the interest the community takes in the great work of educating the children. There is a great need of school apparatus in our schools. All school-houses are furnished with blackboards, but few have maps or globes.

In conclusion, I would report the condition of the schools under my charge as improving. This is shown by an increase in attendance during the past year, the employment of better teachers, and the interest manifested by the people in educational matters.

Respectfully,

GEORGE V. BUSHNELL,

School Commissioner.

HILLSDALE, December 10, 1880.

COLUMBIA COUNTY — HUDSON.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR. — I have already forwarded to you a financial and statistical report of the operations of the common schools of this city for the year ending on the 30th day of September last; and at your request, I take great pleasure in presenting to you a fuller report of the working and present condition of our schools.

The tabular statement of receipts and disbursements already submitted shows that the whole amount of money received by the superintendents of public schools in this city, during the year ending September 30, 1880, was \$21,158.01, of which \$4,756.33 was apportioned to the city by the State Superintendent.

The whole amount expended upon the schools of the city, during the year, was \$15,647.12, leaving a balance on hand of \$5,510.89. This balance is nominal, not actual, because of repairs commenced and not yet completed, the cost of which must be met when the work is finished.

During the summer vacation the interior of each school building was remodeled for the purpose of co-educating the sexes. The changes made in our school buildings and the system of education are worthy of note. The Grammar School building was thoroughly repaired and put in excellent condition. Two new wings were added for entrances and other purposes. The interior is well arranged, having eight commodious rooms, four on each floor, which are separated by sliding sash doors, heated by two new furnaces and ventilated by shafts in connection with the chimneys. These doors can be easily moved to one side and the rooms converted into one large assembly room, and thus used for singing, and for opening and general exercises.

Previous to September 1, 1880, boys and girls were not allowed to attend the same school, and the pupils were seated in large rooms whence they repaired to small recitation rooms at fixed times.

Our pupils are now seated in session rooms capable of accommodating from 50 to 60. Here they study and recite, boys and girls in the same class according to grade of scholarship. Thus a division of labor among the teachers and better discipline are both secured. This course, if properly carried out, requires that pupils shall study, as well as recite lessons, and teachers shall teach as well as hear recitations during school hours. These changes have called out a large increased attendance of pupils, and the patrons of the schools are generally well pleased.

GRADED COURSE OF STUDY.

This implies a division of labor in study and instruction by which each class of a department has its own proper course marked out; and the teacher of each class has every subject of study pur-

sued in the grade clearly defined, and the amount to be accomplished during a given term. Here a success or failure in the work will be obvious at the regular examination made by the city superintendent. The course of study in our schools is divided into seven primary grades and eight grammar school grades. Promotions are made from one grade to the next higher after careful examination of the classes throughout the entire school. The A primary promotes to the eighth grammar grade. The studies of the A division in the grammar school grade will embrace the more advanced studies of a thorough English course and the modern languages.

Industrial drawing was introduced into all our schools at the commencement of the present school year, embracing all grades from the lowest to the highest. I cannot speak positively of the success, but present indications are highly encouraging.

MUSICAL DEPARTMENT.

Each school is provided with a piano. The science and practice of music is regularly taught in all our schools by Prof. Comba, a gentleman of superior talent and ability. The pupils are progressing finely under his instruction. Music contributes much of pleasure and happiness to children and teachers. It is a strong incentive to good order, and a powerful auxiliary in government. Its effects in the opening exercises of the morning have often inspired many to seek the blessing of heaven and the guidance of the God of our Fathers.

TEXT-BOOKS.

We have a uniformity of text books. The same book on a given subject and for a given grade will answer for that grade in every school in the city.

Our schools are not what we wish they were, nor yet what we hope to make them by persevering effort.

Respectfully yours,

WM. P. SNYDER,

Superintendent.

HUDSON, *December 31, 1880.*

CORTLAND COUNTY — FIRST DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In response to your requirement for a report of the work accomplished in my district the past year, and the present condition of the schools under my supervision, I respectfully submit the following:

Although I have no *special* work performed, or *particular* results attained to report, I have reason to believe that the schools of my district in regard to the qualifications of teachers employed, the average attendance of pupils and the interest manifested by the patrons, are in advance of one year ago.

There are in the district eighty-three common schools and two union schools, one located at Marathon and the other at McGrawville. The one at Marathon, with Prof. Hamilton Tenny as principal, Miss Rowena M. Dean as preceptress, and Miss Mary L. Lee in the intermediate, all of whom are graduates of the Cortland Normal school, and Miss Grace Lee Sherwood, an experienced and successful teacher of the primary department, and a school board alive to every interest of the work, the school has earned a reputation unsurpassed in the county. The McGrawville school, with Prof. J. W. Chapman, principal, and a corps of competent teachers for assistants, is in a prosperous condition. By a special act of the Legislature, a graded school designated a "Union Graded School District No. 1, of the Village of Cortland," was formed last winter, bounded by the corporate limits of said village, and a school board appointed consisting of nine members. The powers conferred upon said board led to considerable discussion and excitement in the district, and the schools can never be brought to a very high degree of efficiency while such local objections exist. These, however, can be removed by amendments, and it is hoped that the matter will be remedied at the next session of the Legislature.

Cincinnatus Academy, although not largely attended, under the supervision of Prof. E. D. Rogers, is doing its work well and furnishing the eastern part of the county with well qualified teachers. The Cortland Normal school has done a good work, but not yet, as I believe, *the* work for which it was created. The law organizing normal schools expressly states the object, viz.: "For the instruction and practice of teachers of *common* schools in the science of education and in the art of teaching." While they are sending out teachers into the union schools and academies, the union schools and academies are furnishing the common school teachers. As State institutions, created by the State, supported by the State and for the benefit of the State, they should be entirely separated and free from any local influence, control or authority. During the year, one new school district has been formed from school districts Nos. 3 and 18 of Virgil and No. 8 of Lapeer. I have made 129 official visits and licensed about 110 teachers.

The Cortland county Teachers' Association is proving a valuable aid and a source of much benefit to those who attend its meetings, which are held quarterly. The exercises consist of discussions of the best methods of instruction and discipline, lectures, etc. The large attendance at the last session, held at Marathon, evinced a strong desire on the part of teachers to make themselves familiar with the newest theories and most successful systems of instruction.

The institute for the county was held at Homer the week com-

mencing September 27, with Prof. E. V. DeGraff, Supt. of Schools at Paterson, N. J., and Charles T. Pooler, of Deansville, N. Y., instructors. The inclemency of the weather prevented a full attendance the fore part of the week, but a usual number were in attendance a greater part of the session. Much interest was manifested by the teachers, and they were, without exception, enthusiastic in their expression of benefits received. A comparison of the school-room work of teachers who attend the institute, with the work of those who do not, is conclusive evidence of its usefulness. I believe the attendance of teachers should be made compulsory, and the instructors, together with the commissioners, constitute a board for examining and licensing teachers. A great wrong at present exists in relation to hiring teachers. It is not an uncommon thing to find second grade teachers in first-class schools. In this respect, additional powers should be given commissioners, and in addition to teachers being graded according to qualification, ability, etc., schools should be graded according to the qualifications and ability required to teach them.

With a grateful appreciation of the aid given me by the Department in so promptly responding to inquiries relating to school work, and to the citizens and teachers of my district for their uniform kindness and forbearance,

I am, truly yours,

WILLIAM D. TUTTLE,

School Commissioner.

CORTLAND, *November 13, 1880.*

CORTLAND COUNTY—SECOND DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—Your circular to school commissioners, issued under date of July 20, 1880, has elicited the following report and suggestions, which are respectfully submitted.

My field of school supervision is the second commissioner district of Cortland county, consisting of the seven northern towns of the county, and contains eighty-eight school districts, eighty-one of which have their school-houses within the county.

The labors of the school year were commenced by me, as in former years, under the conviction that the duties of the position I had accepted had the first claim upon my time and energies, and I have suffered no material interruption, during the year, in carrying out my convictions, but that occasioned by a severe illness in the months of March and April.

The school year in all districts but three, under my supervision, is

divided into two terms, usually of equal length, and in fifty-two districts, comprise no more time than is required by law to entitle the districts to a full participation in the apportionment of the public moneys. It has been my uniform custom to commence the visitation of my schools within two or three weeks after the opening of each term, and to continue such visitations, unless unavoidably interrupted in my work, until each school in my district has been visited at least once, visiting at the rate of two schools each day in nearly every instance. Operating upon this plan, I have made one hundred and seventy-seven official visits within the past year. Eighty-nine of these inspections were made in the fall and winter, and eighty-eight in the spring and summer. My record of pupils registered and present at the time of my visits shows that in the fall and winter there were two thousand two hundred and sixty-two registered, and one thousand eight hundred and twenty-two present; and in the spring and summer there were one thousand seven hundred and ninety registered, and one thousand two hundred and forty-five present. I have presented the above figures, which show that the difference between the number registered and present at the time of my different visits, was much greater in summer than in winter, as an argument in favor of the opinion to which I have been driven by my observations in the schools of my district for the last five years, that a long vacation between terms should begin as early as the first of July, and continue through the months of July and August, as *these* months mostly cover the season of haying, harvesting and berry-picking, as well as that of the most extreme and continuous heat, all of which are very detrimental to our common schools, by causing the absence of so many of the larger pupils, and the almost total destruction of interest with the few that remain. I believe that the present school year is much too short, and should be made in the future to consist of thirty or thirty-two weeks. With this change in the length of the school year, I am confident that most of our districts could be induced *readily* to so divide our school year as to make a summer vacation to cover these objectionable months.

A change in the time of commencing the school year from the first of October to the first or fifteenth of July, would have a tendency to divide the year according to the above suggestion. Unless there are serious objections to this change, which, with my limited vision I have not been able to see, it would seem to me to be worthy of consideration, as calculated to contribute to the success of our public schools.

As I have said, my custom has been to spend as nearly as possible a half day in each school that I visit, which I have regarded as important in order that I might judge correctly as to the character of the work being done, and be able to make such suggestions as were called for in the different cases under my observation; and I have been much gratified by the cheerfulness with which such suggestions have in most cases been received, and the *promptness* and

thoroughness with which their merits have been tested. I have found, in many instances, that the coming of the commissioner is an occasion, which, with live teachers, is often looked forward to as the time to unburden their minds, by giving utterance to the various perplexities that beset them, and to seek aid of one who *should* be able to sympathize with them, and administer advice calculated to help them over the rough places in their career, and send them on with renewed confidence and redoubled courage. I have reason to believe that a timely visit from the commissioner has sometimes changed the tenor of the school for the better, and has been a most efficient aid to the teacher.

The advent of the commissioner to the district is often the time chosen by the local school officers and patrons of the school to seek a solution of the perplexing problems that arise out of school affairs.

The deeper insight which every additional year's experience gives me into the possibilities for good which are in reach of the incumbent of this office, puts me more strongly in sympathy with our system of school supervision.

I have licensed 164 teachers, during the year, and have found it necessary to reject a large number in consequence of a want in educational qualifications alone. These cases of rejection have been regarded by some as an occasion for criticism that has not been altogether pleasant, yet I do not regret my course in this respect, and still *feel* that if I have erred in deciding upon the merits of applicants, it has been in being too lenient, rather than otherwise. In the last week of February and first week in March, in accordance with notices given in the county papers, I held public examinations in the different towns of my district. There were many who did not avail themselves of these opportunities, but came subsequently for private examinations, urging various reasons why they were not present at the public examinations.

In all cases class examinations have been written; believing that an *equal* chance could be given the different applicants in no other way, and that the attainments of candidates for certificates could be tested by no better means. Private examinations have mostly been conducted in the same way, though, in some instances, they have been conducted orally, by force of circumstances.

In most cases, I have awarded only third grade certificates to all successful applicants who have never taught, but have felt that it was advisable, in cases where the educational qualifications were found to be of a high type, to give a second grade license, promptly, upon discovering, by actual observation in the school room, that the ability to discipline and instruct was at par with the educational attainments possessed.

I firmly believe that a change in the matter of examining and licensing teachers is demanded, and that such a change might be made as to result in promptly raising the standard of qualifications of teachers so as to make the profession of teaching truly honorable, and place at the head of our schools teachers whose qualifica-

tions would not be questioned. The responsibility of conducting examinations and deciding upon the merits of applicants, should *not* be upon one man, for one man, however strong or pure he may be, who can be supposed to be influenced in his action by local circumstances, will be likely to find an adverse public sentiment aroused against him, to cripple his influence, as soon as persons differing with him in politics, religion or nationality, or who have enemies who may be supposed to use an influence against them, have been refused a license, though none of these circumstances have in any way influenced his decisions.

To avoid being tedious, if possible, I would simply suggest that the plan of associating the institute conductors with the commissioner or commissioners of each county, as an examining and licensing board, commends itself to me as a decided improvement upon the present one.

In the public schools of my district there have been *ninety* licensed teachers employed and teaching twenty-eight weeks or more the past year. On the 30th of September there were 3,075 children of school age in my district, which is the smallest number reported for any of the last five years. The number having attended school some portion of the year is 2,796, which is the smallest number since 1877, yet the average daily attendance is 1,468, which is the largest average within the last five years.

The condition of the school-houses in my district is a serious detriment to the success of my schools, as I find by consulting the statistics at hand, that there are in my district *eighteen* which the trustees have estimated in each case to be worth from twenty-five to one hundred dollars; and eight others that range from one hundred to one hundred and fifty dollars, which numbers do not cover *all* that are unsuitable for school purposes in winter time. In many of these houses I often find the pupils closely huddled around the stove, in order to be comfortably warm, which *frequently* places the school beyond the control of the teacher, and has a demoralizing tendency in *every* case.

The want of school apparatus which has been experienced in the past, is gradually being overcome, as blackboards are found in every school, I believe, and maps, globes, etc., are gradually increasing in number, though there is still a decided want in this direction.

At the time of my school inspections, I have tried to carefully study the condition of public education, and I am persuaded that the people are being more generally reached by the means afforded than ever before, and that the whole curriculum of the common school is more widely received than formerly, and whereas, but a few years ago it was thought by most people that it was all sufficient for a boy or girl who did not aspire to some professional calling in life, to be able to read, write and "cipher," to-day, with an enlarged curriculum, embracing in many schools, drawing, civil government and history, public sentiment says that the average boy or girl must have it *all*.

Progress in the various branches, with the improved methods of to-day, is more rapidly made, and pupils are completing the common school course much younger, and with a much more practical and comprehensive knowledge of the studies pursued than formerly. What is still more significant, all classes of people, of all occupations and nationalities, are coming to feel that with the spirit of our institutions, and the existing equality of all, it is advisable to *have*, and possible to *utilize* in all occupations, more knowledge than can be attained in the common schools.

I find that public sentiment very strongly favors the teachers' institutes as they are now conducted, and trustees are questioning applicants for positions to teach, as to whether they attend the institutes or not. We cannot afford to lose them, and I believe that the beneficial results upon our common schools from them, fully vindicate the wisdom of their continuance, and justifies the expenditures for their support.

In reference to public sentiment in regard to the normal schools, I find that while a normal diploma possessed by a teacher is in many districts regarded as a high type of recommendation, in others, there is a very strong prejudice against normal teachers, so much so, that for an applicant for position to offer a normal diploma would be a most effectual bar to any negotiations, which I attribute *partly*, at least, to the unsuccessful attempts at teaching of under-graduates of the normal schools, who have but a smattering of normal methods, and would, undoubtedly, succeed much better by trusting to their own originality, than to the use of systems of instruction and discipline, which from their limited knowledge, they cannot make their own. In most cases within the last five years, those teachers in my district who have held normal diplomas, have *justly* taken rank among the best of my teachers, yet, I find them to be doing the *same* work, and in much the *same* way as the other *thoroughly* educated teachers who have gathered their ideas of methods from the teachers' classes in our academies, the teachers' institutes, and the broad field of school literature which is open to all.

Many are arguing that, laying aside the instruction in *methods*, that is so strongly emphasized in *normal schools*, and relying upon natural ability and tact, and a thorough education, not only in the branches *taught* in common schools, but in the higher branches that are required of graduates from the normal schools, and are taught with equal thoroughness in the academies and other high schools of our State, we should realize the same results as are now attained by normal teachers.

It is urged with strong emphasis by a very large class in my district, that normal schools are not giving a full equivalent in return for the large appropriations made for their support.

With the present system of unequal taxation for school purposes, it is evident to me that a large proportion of our rural districts can never be directly benefited by the normal system of educating

teachers, as the meager wages paid for teachers' services are no inducement to one who, though educated at the expense of the State, has given his time and energies to the work of preparation for teaching. It is to this fact mainly, I presume, that of the 146 different teachers who have taught in my district the past year, only six were normal teachers, and three of *those* taught but *one* term each.

These schools, in my humble opinion, are not accomplishing the work designed by the Legislature when they were established, viz. : the education and discipline of teachers for the *common schools* of *this* State, in consequence of the large number who never teach any great length of time, and the still larger number who never teach within the limits of the State, *for* which and *by* which they were educated, but are found in the various States and Territories of this republic.

There have been no private schools held within my district the past year. Homer academy and union school is located here in Homer, the place of my residence, which gives me an ample opportunity for judging of the work accomplished in it. In every department of this school from the lowest primary to the academic department, I can say, without hesitation, that the most commendable work is being done, and *that* by the most approved methods. The academic department under Prof. E. J. Peck as principal, is a school of which our people are justly proud, and in which the most thorough work is done by a very competent and faithful corps of teachers. My observations in, and knowledge of, the work done in the teachers' class held annually under the supervision of Prof. Peck, prompt me to give it a high rank among the facilities for preparing teachers for their responsible calling.

Thanking the Department for the many favors received,

I am, yours respectfully,

JEROME J. WOODRUFF,

School Commissioner.

HOMER, *November 13, 1880.*

DELAWARE COUNTY — FIRST DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.— In compliance with your request, I respectfully submit the following report :

I have changed the number of nearly all the districts in the town of Tompkins since the formation of the new town of Deposit.

Tompkins now contains twenty-four, and Deposit thirteen districts.

Joint district No. 21 of Tompkins and Sanford is now known as joint district No. 2 of Deposit and Sanford. This commissioner district consists of nine towns and contains the same number of districts as reported last year. There were 186 teachers employed at the same time for 28 weeks or more, during the year, and the whole number of children residing in the district September 30, 1880, was 7,088, with an increased average attendance from last year.

I have made 220 official visits during the year. I wish I might report the schools in a better condition than I found some of them, yet I feel encouraged to find so many fulfilling well the mission for which they were established. Many districts are sparsely settled, with few children residing in them, consequently the average attendance is small, and the inhabitants do not feel able to procure the services of the best teachers who command higher salaries, so that we cannot expect those *little* schools will sustain the reputation of larger ones, yet a poor school is better than none.

I have observed a marked improvement, during the past year, in several primary rooms, and I am glad to find the teachers earnestly engaged in their profession, and endeavoring to improve by the modern methods which they are introducing with marked success. The greatest importance attaches itself to primary teaching, consequently we need more normal institutions, or practical training schools, *one* at least in each county. The county institutes are good as far as they go, yet the teachers need practical drill in the actual work of teaching.

I have licensed 245 teachers, during the year, several of whom are teaching in adjoining counties, some are attending the higher schools in the county, and a *few* are attending the State Normal schools. I can not understand why so few teachers from this county attend the normal schools; they certainly should find instructors at these schools who are thoroughly educated in the branches which they are required to teach, and who are well skilled in the art of governing and disciplining a school.

Few districts use the library money to buy books, nearly all using it for the payment of teachers' wages.

Many trustees in their annual report of this item give all their answers from wild estimates, and some do not know or seem to care if they have a library, that little attention is given to it.

I think the commissioner and supervisors should possess the power to locate a school-house site, after a certain period of time has elapsed since the district was organized, in cases where they have no site and continue to disagree upon its location. It would save district broils, and, in *some* instances, place the house in the central part of the district.

The Delaware Literary Institute at Franklin, is fulfilling its mission; several young men graduate each year and most of them enter colleges to continue their studies.

The union school at Walton has an able corps of teachers, and

a large attendance with the prospect of more commodious buildings in the future.

The union schools at Hancock and Masonville are not so well attended. The former has a comfortable building, while the latter district remains without a suitable building to accommodate the pupils in the district, consequently the attendance is quite small as pupils from outside cannot attend with any degree of comfort until a building is erected, and I trust this district will follow in the footsteps of those five districts which built convenient houses during the past year.

The teachers' institute for this county was held at Delhi during the week commencing September 13. The exercises were conducted by Prof. James Johonnot and Prof. H. C. Northam.

The services of these able instructors were rendered with earnest zeal and generally appreciated by the teachers and citizens. Three hundred and thirty teachers were in attendance during the session. Many teachers from this county have to travel forty miles to reach the institute, and yet they feel well paid for the trouble, still there are some in every town who fail to attend, consequently I hold an examination twice a year in each town. I grant certificates during the fall examinations for a year, and in the spring for a period of six months.

In conclusion, I would say, I am under many obligations to the teachers for their hearty co-operation, and for the respect shown me. I desire to return my thanks to the people of my district for their courtesy and hospitality, and to the Department for prompt attention to my communications.

Respectfully yours,

GEORGE S. BARTLETT,

School Commissioner.

MASONVILLE, *December 10, 1880.*

DELAWARE COUNTY — SECOND DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.— In compliance with your directions, I respectfully submit the following report of the schools under my charge.

This commissioner district is composed of ten towns, viz.: Andes, Bovina, Davenport, Delhi, Harpersfield, Kortright, Meredith, Middletown, Roxbury and Stamford.

Number of school districts having school-houses in this county, 170 ; joint districts having school-houses in other counties, 8 ; total, 178. Three districts employ two teachers each, consequently I have 173 different teachers to visit each year.

Amount of money on hand in this commissioner district, October 1, 1879, \$319.19; amount of public moneys received, \$16,413.57; amount raised by tax, \$8,574.43; value of teachers' board (estimated) teachers having boarded around, \$10,367.30; received from all other sources, \$105.08; total, \$35,779.57.

Paid for teachers' wages, including estimated price of board, \$31,659.21; for school libraries, \$42.66; for school apparatus, \$7.42; for school-houses, sites, out-houses, repairs, etc., \$2,115.58; for all other incidental expenses, \$1,564.77; amount remaining on hand September 30, 1880, \$389.93; total, \$35,779.57.

Number of teachers employed at the same time for twenty-eight weeks or more, 173; number of children between five and twenty-one years of age, 6,265; private schools, 10; pupils attending such private schools, 180; whole number of weeks taught, 5,361½; number of children of school age who attended school in the district in which they reside, 4,792; number of children who attended school in districts in which they do not reside, 126; total, 4,918.

Average daily attendance of pupils who attended school in the district in which they reside, 2,513,381; average daily attendance of pupils who attended school in districts in which they do not reside, 43,339; total, 2,556,720.

Whole number of days' attendance of pupils who attended school in the district in which they reside, 401,638; number of days' attendance of pupils who attended school in districts in which they do not reside, 6,901; total, 408,539.

Whole number of days taught, 26,099; holidays not taught, 647; other week days not taught, 5,421; total, 32,167.

Number of volumes in school district libraries, 6,400; value of the same, \$1,938.

Number of districts having book-case for library, 102; frame school-houses, 167; stone, 3; total, 170; value of school-house sites, \$9,163; value of school-houses and sites, \$55,393.

Districts having three trustees, 13; having two trustees, 1; having one trustee, 156; total, 170; number of districts owning site, 167; not owning site, 3; total, 170; size of sites, 31 acres and 24 rods; number of school-houses separated from the highway by a fence, 2; not separated by fence, 168; number of districts having privy for school, 146; not having privy, 24; number of districts in which teachers boarded around, 148; in which teachers did not board around, 22.

Number of districts in which school was taught five days per week, 170; number of pupils reported as attending school who were under five or over twenty-one years of age, 70; number of districts which use library money to pay teachers' wages, 156; amount of money so used, \$164.26; number of school-houses built during the past year, 2; number of districts in which teachers verified register, 170; number of districts in which trustees keep a book in which to record the financial matters of the district, 127; districts which do not keep such book, 43; districts having a code of public instruc-

tion, 136; number of children between eight and fourteen years of age, 2,454; number of such children who attended the district school for at least 14 weeks during the past year, 2,123; number of such children who attended a private school or were instructed at home, 143; number of districts which paid wages to teachers while attending institute, 9; amount thus paid, \$36.23.

As shown by my first statistical report, I have made 210 official visits during the past year. The length of such visits has varied from thirty minutes to three or four hours, as the condition of the school might require.

I always allow the teacher to conduct the recitations, in order that I may be the better able to judge of his qualifications to impart instruction. At the close of the recitations I make such explanations or suggestions as the case may require, and, if necessary, I privately call the teacher's attention to any error that I have observed, in his part of the work, and show him how he may adopt other and better modes of teaching.

I devote my whole time to my official duties, and the general impressions that I receive in consequence of my visitations are, that the teachers and the trustees are doing a good work. They are, with but few exceptions, earnest and true workers in the great cause of public education, and the results are, on the whole, very satisfactory.

I have licensed, during the past year, 222 teachers (this includes all who now hold a license in this district, either first, second or third grade).

I hold two examinations in a town each year, and require every teacher to pass a written examination before receiving a license, and grade the licenses according to the teacher's success in teaching. In other words, if a teacher answers 75 per cent. of the questions correctly, in arithmetic, grammar, geography and spelling, and 60 per cent. in civil government and history, I give him a third grade license. If a teacher passes a better examination, but has never taught, I also give him or her a third grade. If he teaches a good school, I then give him a second grade license.

After a teacher has passed a perfect or nearly a perfect examination, and has been successful in teaching, I frequently give him another license without a re-examination. In order to judge of the literary qualifications required for a third grade license, it is necessary for you to know the questions asked, as well as the per cent. required to be answered correctly.

The following is a list of questions similar to those asked at my several examinations.

ARITHMETIC.

(1.) The sum of two fractions is $\frac{7}{8}$, their difference is $\frac{1}{8}$; what are the fractions?

(2.) From $14\frac{1}{2}$ take $\frac{\frac{1}{2} \text{ of } 82.5}{147-10}$.

(3.) How many times will .5 of 1.75 be contained in .25 of $17\frac{1}{2}$?

(4.) Wishing to borrow \$500 at a bank, for what sum must my note be drawn at 30 days, to obtain the required amount, discount being at 6 per cent.?

(5.) The longitude of Boston is $71^{\circ} 4'$ west, and that of New Orleans $89^{\circ} 2'$ west; what is the time at New Orleans when it is 12 minutes past 7 o'clock, A. M., at Boston?

(6.) What will be the wages of 9 men for 11 days, if the wages of 6 men for 14 days be \$84?

(7.) Sold 25 bbls. of apples for \$69.75, and made 24 per cent.; how much did they cost per bbl.?

(8.) What is the area of a triangle whose hypotenuse is 30 rods, and whose base is 24 rods?

(9.) Suppose a cistern has two pipes, and that one can fill it in $7\frac{1}{2}$ hours and the other in $4\frac{1}{2}$ hours; in what time can they both fill it running together?

(10.) How many bricks 8 inches long, 4 inches wide and 2 inches thick, will be required to pave a yard 100 feet long and 50 feet wide?

GRAMMAR.

(1.) Write a proper noun, a common noun, a collective noun and an abstract noun.

(2.) Write a personal pronoun, a relative pronoun, an interrogative pronoun, and an adjective pronoun (pronominal adjective).

(3.) What is meant by the passive voice of a verb? Give an example.

(4.) Make a sentence containing a verb in the subjunctive mode, and parse the verb.

(5.) Name the tenses of the potential mode.

(6.) What is a participle?

(7.) With which mode of the verb is the subject often omitted?

(8.) All but him fled. Parse the words "all" and "but."

(9.) Make a sentence containing a verb in the infinitive mode, and parse the verb.

(10.) "He giveth His beloved sleep." Parse the words "beloved" and "sleep."

GEOGRAPHY.

(1.) Draw an outline to represent a hemisphere showing the equator, tropics and polar circles, naming each; also name the divisions made by them, and give the width of each such division in degrees.

(2.) State three conditions which determine the climate of a place.

(3.) Why are the tropics placed $23\frac{1}{2}$ degrees from the equator?

(4.) What is longitude?

(5.) Which of the States west of the Rocky Mountains has no sea coast?

(6.) Which has the warmer climate, at the same latitude, the

western coast of Europe or the eastern coast of North America? Why?

- (7.) Name, in order of their size, the four largest cities in Europe.
- (8.) Name the largest county in New York.
- (9.) How many States in the Union? Which State was last admitted?
- (10.) What State and what counties of this State border on Delaware county?

CIVIL GOVERNMENT.

- (1.) How many Senators has each State in the United States Senate?
- (2.) Who are the Senators from this State, for how long a period are they elected, and to which political party do they belong?
- (3.) Who is our Representative in Congress?
- (4.) What counties compose this congressional district?
- (5.) Where does Congress meet?
- (6.) Who presides over the United States Senate?
- (7.) Who presides over the House of Representatives?
- (8.) How are United States Senators elected?
- (9.) How is the President of the United States elected?
- (10.) How can a bill become a law after it has been vetoed by the President?

UNITED STATES HISTORY.

- (1.) What is history?
- (2.) When was Lincoln's emancipation proclamation issued?
- (3.) When was Lincoln assassinated?
- (4.) In what year did the war of the revolution begin?
- (5.) In what year did the war of the rebellion close?
- (6.) State some of the causes which led to the war of the revolution.
- (7.) Who was President of the United States during the Mexican war?
- (8.) Name the presidents who died during their term of office.
- (9.) State some of the important questions which were settled by the war of the rebellion.
- (10.) Under whose administration was the fifteenth amendment ratified by the States?

The written examination in the foregoing branches constitutes an examination in spelling. I also question the teachers about matters which were discussed at the institute.

If some means could be devised by which the examinations in the several counties could be made uniform, it would be an improvement on the present system.

I have no fault to find with the operations of the present school law, except in regard to the apportionment of the public moneys. I think the library money should be used for the purchase of books or school apparatus, and each district should be allowed, at its an-

nual meeting, to decide for which purpose it should be used, but in no case should a district be permitted to use this money for the payment of teachers' wages.

As stated in a former report, I think the public moneys, now apportioned according to the average daily attendance, should be apportioned according to the whole number of days' attendance. This would induce trustees to employ teachers for a longer term, whereas, the present system of apportionment is an inducement to close the school at the end of twenty-eight weeks.

In regard to the employment of teachers I have no suggestions to make. I know that *some* trustees do not care whom they employ. If they can obtain a teacher for a small sum of money they are satisfied. This class of trustees are few in number, and, owing to the increasing interest taken in educational matters by the inhabitants of the several school districts, they will soon be entirely gone.

There can be no question, in my judgment, in regard to the effect of the institutes held in this county. The effect has been very beneficial. I wish every teacher was obliged to attend a two weeks' session each year. I think their board, while in attendance, should be paid by the State, and the session should be held two, or even three weeks, instead of one.

In regard to normal schools I cannot speak as decidedly as I can about institutes. There are but few normal graduates engaged in teaching in this county, and they are doing no better work than the average first grade teachers who have been educated in the common schools and academies. The majority of normal graduates teach in more favored localities, where the schools are larger, consequently I am unable to say, from actual observation, whether or not these schools are accomplishing the work designed by the Legislature.

The academies at Delhi and Andes are doing a thorough work as far as I am able to judge. The academy at Stamford is, at present, closed.

The private schools mentioned in my report were mostly select schools taught for a few weeks only, therefore it would be difficult to say what they are really accomplishing.

I am not in favor of a change in our school system until we are reasonably sure that the change would be for the better. If a school commissioner, a trustee or a teacher does not do his duty, it is not positive proof that the whole system is wrong, and that it must be thrown away as worthless and some new experiment tried. We should change the commissioner, the trustee, or the teacher, as the case may be, and elect better men to fill their places. The law should compel school commissioners to give their whole attention to their official duties.

I am proud of the school system of this State. When I visit the small schools in the narrow ravines and on the high hills of Delaware county, and find, as I do in nearly every instance, teachers working zealously for the great cause of public education, and as term after term I visit these schools and find that the seed sown by

those teachers has taken root, and the children are growing up intelligent and useful citizens, I know that we have a school system which, if we, as school officers, do our part, will give to every child in this State a good common school education.

Thanking the Department for the many favors received, I am,

Very respectfully yours,

JAMES H. McINTOSH,

School Commissioner.

DELHI, November 15, 1880.

DUTCHESS COUNTY — FIRST DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.— In compliance with your request, I herewith transmit the following report:

During the year just closed I have made one hundred and forty-one official visits, visited one hundred and twenty-two schools, and granted and renewed two hundred and three licenses.

All the districts but two maintained school for the twenty-eight weeks required by law, while a considerable number maintained school for many weeks more.

The teachers, as a body, have been faithful in the performance of their duties, and in many instances have met with gratifying results.

I have earnestly striven to further the interests of the public schools by refusing to license any person who was not qualified to pass a satisfactory examination in all the branches required to be taught. The talent for teaching is a rare commodity, and when found should be encouraged. Good teachers need to be appreciated, and to be successful must enjoy the confidence and sympathy of those for whom they labor. There must be inducement for them to fit themselves for teaching, and to throw the whole force and energy of their minds into the business.

I commend this subject to the consideration of the patrons of the public schools in this district. Sustain by a proper liberality and better compensation those who are trained, experienced and of proved efficiency, those who know how to teach, to influence and instruct the public mind.

A number of appointments from the district have been made to the various normal schools in the State during the year.

The graded schools in the large villages are seeking normal teachers almost exclusively. These facts evidently show that the

superior advantages afforded by these institutions are justly and wisely appreciated by persons who intend to teach, and by the most influential and populous districts.

Public examinations were held by me in every town but one in the district. The written method was pursued, similar to that pursued by the Department in granting State certificates. It seems to give general satisfaction, and so far as I am able to judge, is the best plan that has yet been devised.

The teachers' institute, conducted by Professors Johonnot and Kennedy, in May last, was pronounced to be one of the best ever held in the county. The attendance was unusually large, nearly all actively engaged in teaching being present. The exercises were very interesting and practical. The efficient work done at this institute will cause it to be recognized hereafter as a powerful factor in common school education.

The questions of taxation and the alteration of school district boundaries were fully discussed by me in last year's report. My experience and observation, during the year, confirm the views therein expressed.

In conclusion, I think I am able to discover an increasing and wholesome interest in educational affairs in this district. There are indeed some portions where improvement has not been so evident as is desirable, probably in consequence of local circumstances, which will doubtless vanish with the march of time and intelligence.

Taken as a whole, however, there is much cause for congratulation. Teachers seem to be inspired with more zeal and energy. The methods of instruction have become less fixed and mechanical. The attendance is larger and is apparently becoming more regular and steady. New and substantial school buildings have in some instances supplanted the "wrecks of matter" known as the public school buildings, while others have been repaired and furnished with the desks and apparatus of modern times. New and improved text-books have been introduced, along with maps and charts and globes of recent date.

The spirit of progress and improvement is manifest also in the demand for improved methods of teaching, and in the largely increased attendance at the normal schools and the higher institutions of learning in our midst.

My sincere thanks are due to the trustees, teachers and patrons of the schools for their uniform kindness and courtesy, and for the hospitality which has been so generously extended to me, and especially to the Department for the many favors conferred.

Very truly yours,

JOHN F. SCHLOSSER,

School Commissioner.

FISHKILL LANDING, *November* 15, 1880.

DUTCHESS COUNTY — SECOND DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—The undersigned respectfully submits the following report relative to the condition of common schools in the second commissioner district of Dutchess county.

I have made 220 visits to the schools in my district during the past year. Few, perhaps, except those who are close observers and in full sympathy with the workings of the schools, can appreciate the value of these visits. The many words of cheer and consolation spoken on these occasions, if nothing else, are fruitful, and the office of commissioner should not be set aside. If that should be done, the schools of this State would soon sink into oblivion.

TRUSTEES.

It matters little how faithful a commissioner may be in the discharge of his duties, if the trustees show a lack of interest the schools cannot flourish. To them has been more power granted than to any other agency connected with the system. They should be wise and good men. They are the direct guardians of the educational interests of the county, and the propelling power of the entire system. If they are indifferent, the work of the commissioner is wasted.

EXAMINATIONS.

Written examinations have been my practice for the past three years, and the results have given satisfaction.

NORMAL SCHOOLS.

The normal schools are regarded in this county as a success, and I think they are accomplishing the work they were designed for. The general standard of teaching has been very much improved, in all places where sufficient wages have been paid to attract persons of superior culture and talent.

PRIVATE SCHOOLS.

Prominent among the schools in this district that contribute materially to the teachers of our public schools is the De Garmo Institute of Rhinebeck. This school is in active sympathy with good teaching everywhere, and the graduates that enter the district schools do the very best of work. A large number of them have been known personally to the commissioner, and he knows that they have done some of the finest teaching he has ever seen. The school is especially thorough in the fundamental branches, and this careful and conscientious thoroughness is carried by its students into their own teaching. It is fully up with the times in all its methods,

but does not allow itself to be run away with by crude and extravagant notions in educational matters. Its curriculum is a combination of scientific and classical culture, very desirable as a preparative for common school teachers. It has a fine apparatus in physics, which is freely and skillfully used by the principal in class instruction. It seems to the commissioner that the instruction here is more real and substantial than any other he has met with in private schools, and it is this fact which accounts largely for its powerful influence in the district. Its principal, J. M. De Garmo, Ph. D., is a most earnest and able advocate for an improvement in the grade of teachers for common schools, and insists strenuously on the best of qualifications for the work. He is also in entire sympathy with the efforts of the commissioner to exact of every teacher substantial proof of qualifications for the work. We are inclined to look upon this school as one of the greatest of blessings to this district, as its influence is only for good.

INSTITUTE.

The county institute convened at Poughkeepsie May 31, and continued in session five days. A lively interest was manifested during the entire session by the friends of education, and especially by the teachers, as a greater number assembled for the purpose of conferring upon the great questions of common school education than has ever met at any previous session in said county. We know that the institute is becoming more popular each year, and believe it inspires the teachers with renewed zeal in their onerous work. Instructions were given and lectures delivered by Professors James Johonnot and John Kennedy. A large portion of the work was assigned to the teachers who, we are proud to say, responded in almost every instance with credit to themselves and with profit to the institute.

METHOD AND MANAGEMENT.

It is not saying too much, that the arrangements for the general management of our schools and the methods of instruction in the various departments are better than at any former period. System, based upon the fundamental principles of mental development, and measurably matured by experience, now lends its influence in regulating all school work in the district. It secures unity and homogeneity in the practical management of all the schools, and thereby increases the progress of each. It guides teachers in the discharge of official duty, and enhances the value of professional effort. It directs pupils in their studies, step by step, from the simple to the more complex phases of thought, in harmony with the laws of their being. This mode of expanding the intellect and storing the mind with useful knowledge is essential to a higher degree of success, and may it ever characterize all moral and mental instruction which may be imparted to the youth of our county.

In my opinion, there should be no change at present. It should be left until the people become thoroughly conversant with the present system.

CONCLUSION.

My thanks are due, and are hereby gratefully tendered to the Department, to all teachers, school officers, and friends of education, who have aided me in my legitimate efforts to promote the educational interests of our public schools.

Your obedient servant,

M. W. COLLINS,

School Commissioner.

RHINEBECK, November 29, 1880.

ERIE COUNTY — SECOND DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In accordance with your circular request, I have the honor to submit the following special report respecting school interests in the second commissioner district of Erie county.

The school-house in district No. 2, East Hamburg, was burned to the ground on the night of the first day of this last summer's term of school. The trustees immediately fitted up other rooms and re-opened school, and on the following Saturday night, there being no school in the house for the twenty-four hours previous, these rooms were burned, it being the undoubted work of an incendiary. No other rooms could be secured. The school was therefore suspended until the rebuilding of the school-house, which was not accomplished in time to enable them to make out twenty-eight weeks school for the year.

This was the only school building erected within the year. There are strong probabilities, however, that in the coming year several modernized structures will replace some of the old dilapidated school buildings now in use. In the past year several districts have replaced their old with choice new school furniture. There are not less than thirty others that should go and do likewise, or if unwilling themselves to do it, means should be taken to make them.

If such changes can be enforced by the school commissioner under the head of "alteration or repair on the school-house," or the "abatement of any nuisance in or upon the premises" which he may consider to "be necessary for the health or comfort of the pupils," considerable will be done in that direction the coming year. Nearly all the school premises are thrown open to the public, the old fence road line cleaned up, and in many instances trees are being set out for ornamentation or comfort.

VISITATIONS.

There are about one hundred and twenty separate schools or departments in this commissioner district, each of which I have endeavored to see from two to three times in the year; many have been seen oftener.

A few school districts have adopted the plan of hiring the teacher by the year, and those generally, in fact I know no exception, are making very fine and commendable progress. The great bane of the country school is the change of teacher every term. In this section there is a growing inclination to have a fall term commencing early in September, and continuing to mid-winter. And then a spring term to terminate before the fourth of July.

Under the law as it stands an out-going sole trustee can hire for only the term in progress while he is in office, which almost certainly insures a change in a short time. The frequent changing of teachers, or the employing of a teacher of only the third grade in a school where in reality none but a first grade should be employed, on the score of friendship or economy, are evils sorely to be regretted, but hardly to be prevented by the commissioner. According to the instructions of the school code a multitude may be entitled to third grade license, who could not gain a second, much less a first grade, and yet the holding of any license, save a limited third, opens to them every school door in the land.

WRITTEN EXAMINATIONS.

After a four years' experience, written examinations have proven eminently satisfactory to me, weeding out the poorly qualified, and decidedly raising the standard of qualification, some formerly passing first grade licenses, falling even to a third, and then by study recovering or quietly dropping out of the profession. I do most heartily indorse the proposition of having the Department issue questions to be submitted to candidates under suitable regulations, believing that it would insure a uniform standard for each grade throughout the State. My examinations have been held spring and fall, at those central points where fair-sized classes could be reasonably expected. To these classes have been presented a series of carefully studied questions that called for short explicit answers only. Every thing in the nature of quysical puzzles being eschewed as unworthy of the occasion.

The subject examinations were phonics, orthoepy, spelling, reading, penmanship, geography, arithmetic, grammar, history, algebra, civil government, physiology and the use of globes, omitting algebra and physiology at the spring examinations, and usually giving from ten to fifteen questions on each subject. The careful examination of the several hundred papers which are given me both spring and fall, and the marking conscientiously of the standing of each upon the scale of one hundred, constitutes the closest and hardest from two

to three weeks' work I have to do in the whole year. In the past year, I have issued fifteen first grade, forty second grade, and one hundred third grade licenses. My rejections have been numerous.

TEACHERS' INSTITUTES AND CLASSES.

The teachers' institute held at Hamburg in the month of August, under the management of Profs. Buckham and Johonnot, was largely attended and universally esteemed as one of the most profitable ever held in the county. Prof. Johonnot is so easy of speech and pleasant thought, that let him touch any subject, it matters not though it be one naturally ever so dry, he is sure to make it lovely, interesting, rich and racy, while Prof. Buckham cannot be excelled in his fund of good, sound, practical common school sense and knowledge, just that kind so positively needed and earnestly sought after by every thoughtful teacher. Such conductors make teachers feel that the time and expense expended in attendance at the institute pays.

I am sorry to say that, at that time, as at former institutes, there were some teachers almost within sound of the institute bell, who, for fear of offending their patrons, did not put in an appearance. If the institute is of such worth as to warrant the expenditure of so much for its maintenance, should there not be some provision for enforced attendance on the part of the dilatory? Perhaps the teacher's license might be made somewhat contingent on attendance, and on the part of the district, perhaps it (the district) might be allowed to deduct from the whole number of days school was actually taught, the number of days the teacher was in actual attendance at the institute, using the remainder as the number by which to determine the average attendance, thus offering a premium to the district for the teacher's attendance.

NORMAL TEACHERS.

I would that I had a more extended experience with normal school teachers. What I have seen of them, even though they have only attended those schools but a term or two, has been highly satisfactory indeed. Most of the graduates of those institutions find engagements where better wages are paid than is usually given in rural districts. I have urged upon my teachers the advantage of those schools for special preparation, and have had the pleasure of making many appointments or recommendations in the past year.

ACADEMIES.

There are four academies under the visitation of the Regents in this commissioner district, three of which are in strong working order. These schools furnish most of the teachers coming under my observation. Until this fall they have had "teachers' classes," for which special instruction was provided by the Regents. I believe them to be of late giving more attention to the rudimentary

work, the kind of work required of these candidates when teaching in the school room, than formerly. If the instruction of the class was conducted daily by some member thereof, under the eye of the principal and the other members as *critics*, I believe that the profit of these classes would be greatly enhanced.

VOTERS.

Much interest was generally manifested in the subject of women voting at school meetings, and considerable disappointment experienced that the number entitled to vote was so limited. I think, however, the position taken by the Department was the only logical and legal one that could be held under the literal reading of the law. That the law as passed expressed the real intention of the Legislature I seriously question. Under its provisions several ladies have been elected to office. In one school district, the largest school of the town, a lady was elected as sole trustee, and another as clerk. The first act of the trustee was to write to the school commissioner for the address of several *first-class* teachers, from which she secured a teacher for the winter.

In this commissioner district there are but two school districts amenable to the law requiring the election of school officers on the day following the annual meeting. In my report of last year the effect and working of the new law in one of these districts was quite fully given. At the annual meeting in that district this fall, the following was unanimously adopted:

WHEREAS, The interested school men of union school district No. 1, town of Hamburg, have annually made most earnest efforts to secure a general compliance with the recent change of law in regard to the election of school officers, without avail, therefore

Resolved, That from a three years' experience and trial of said law we believe and know the said law to be pernicious and detrimental to the best interests of schools, and that to this district it proves to be an unmitigated and damaging nuisance.

Resolved, That the State Superintendent and the assemblyman from the fifth assembly district of Erie county be requested to use their influence for the repeal of the law, or at all events to procure an exemption of this school district from the operation thereof.

In the other school district no attention has ever been paid to it. However, at their last enumeration of children, they fell a little below three hundred (300), thus exempting them from its provisions; while another district has reported a trifle over the three hundred. In that one, also, no attention to the law has been paid. Farmers cannot be induced to leave the gathering of their crops at a catching season of the year to merely elect school officers.

SCHOOL YEAR.

This district has largely adopted the plan of a fall term, frequently commencing the last of August, and a spring term closing

as early as the fourth of July, and find their general average is much better than upon the old plan. If the commencement of the school year was changed to the fore part of August, they would experience much less difficulty in making out the daily attendance, and it would also contribute to the employment of more teachers by the year.

AVERAGE ATTENDANCE.

The present method of calculating the average attendance very effectually offers a premium for but twenty-eight weeks school in the year, of which fact many worldly-wise trustees have not been slow to take the advantage. If the number of school days in twenty-eight weeks was to be taken as the divisor in determining the average, the premium would be reversed, certainly a very desirable change.

TOWN TAXATION.

I have somewhere in my school reading seen a statement that the town taxation law was obsolete. The town of Hamburg evidently does not so regard it; as there they have for several years, with only an occasional, accidental omission, by *viva voce* vote, raised a large town school fund, making their schools of effect almost free from local tax. The general superiority of the schools of this town is largely attributable to the assistance given by this fund.

SCHOOL COMMISSIONS.

Save among active partisan politicians there is a general deep and growing desire to have a complete divorcement of our school system from the influence and realm of politics. It is for that reason, believing it tends to that end, that the school public have so universally and almost unanimously hailed with joy the giving women the right to vote on school matters. Now could the election of school commissioners be placed in the hands of school trustees, or in town boards of education, similar to the Pennsylvania method, or their appointment be made direct by the State Superintendent, the divorcement of our common schools from politics would be almost assured, and another important step would be taken toward the perfection of our great educational system.

Thanking you for your kind indulgence, and the many favors of the past, I have the honor to subscribe myself

Your obedient servant,

GEO. ABBOTT,

School Commissioner.

HAMBURG, February 5, 1881.

ERIE COUNTY — THIRD DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.— I have the honor to transmit herewith my annual report, according to your instructions.

It will be gratifying to you, as it has been encouraging to me, that I am able to state that the general condition of the schools in my district has improved during the past year. I speak particularly in reference to the character and qualifications of the teachers employed and to the instruction given. During the year, I have rejected about one in five of the applicants that have come to me for certificates. The result is, that I have an older class of teachers and those who are in every respect more competent. I have examined candidates with reference to the following points, viz.: 1st. To ascertain whether or not they thoroughly understand arithmetic, grammar, geography, and spelling with the proper use of the sounds of letters; 2d. To ascertain their natural ability and good sense and their capability of governing and managing a school; 3d. To test their ability to express their ideas and their tact in teaching; and, 4th. To satisfy myself as to their moral character and good manners. For grades higher than the third I have insisted upon examination in algebra, physiology, history of the United States, civil government and physical geography.

The number of teachers holding certificates in my district is now barely sufficient to supply the schools.

I have adopted, and carried out, with satisfaction to myself and with profit to the teachers, the plan of teachers' drills. It is no more than this: I invite all the teachers in each town to meet me at a central place, where I spend two days or more with them in talking about and illustrating the best methods of governing and managing a school and teaching the various branches. I have given special attention to the methods of teaching reading and spelling.

It has been my object to give all of my teachers, when they were all together, whatever instruction I have to give before commencing their schools, with the understanding that I would visit them as early as possible in the term to see how they succeed. I have endeavored to visit each school at least once in every term, and have done so, with few exceptions. I have generally had the satisfaction of finding at every visit that the schools had improved.

The institute held in Springville, in my district, last spring, conducted by Profs. Lantry and Kennedy, was one of the best I ever attended. Those gentlemen will at any time receive a hearty welcome in Erie county.

Many of the school-houses have been repaired, and one new one has been built. Teachers' wages are considerably higher than

they were last year. I find that the people are more willing to pay taxes for a good school than they are to pay lighter taxes for a poor one.

You ask for opinions or suggestions in regard to any proposed changes in the school law. My opinion is that our common school law, as it now stands, is one of the best in the world. It will be much better to carry it out in accordance with its intent than to tinker it.

I am, your obedient servant,

JOHN A. WELLS,

School Commissioner.

GOWANDA, November 11, 1880.

ESSEX COUNTY—FIRST DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—I received a circular sometime ago, dated July 20, 1880, in which you ask and require that school commissioners make a written report to you, relative to the condition of education, the work accomplished by us during the past school year, the number of teachers licensed, and many other specific and important questions which I will endeavor to answer briefly.

During the past school year, I have accomplished the following work: Visited one hundred and twenty-seven schools, held examinations for teachers twice, in each town of my commissioner district, apportioned the public money to the different schools, organized and held a teachers' institute one week, organized a teachers' association, made an abstract of the trustees' reports, regulated the boundaries of districts in dispute, advised teachers and school officers in regard to their duties, and accomplished a great deal of incidental work that comes in a commissioner's line of duty. I have granted about seventy-five certificates during the past school year. My examinations have been both written and oral.

I think of no better method of examining and licensing teachers than the course now pursued. I have sometimes thought that it would be a good plan to let the State Superintendent prepare questions for all the commissioners of the State, and for the Legislature to establish the per cent. of the questions that applicants for certificates must answer to entitle them to a certificate.

There are some objections to this method as there are to all other methods. Those who answer the most questions upon examination day often teach poorer schools than those who answer less questions. It is my opinion that a written or oral examination is by no means a true test, in all cases, of an individual's ability to

teach a successful school. I have come to this conclusion by visiting schools and watching the course pursued by different teachers.

The school laws of the State are generally good.

The compulsory education law ought to be amended so that its provisions can be carried out.

I have no suggestions to make in regard to the laws relating to the apportionment of school moneys, the alterations of school district boundaries, the settlement of local and neighborhood difficulties, or the methods of the employment of teachers. The laws are good enough in relation to these matters, and ample provision is made to enforce them.

The schools of my district are progressing finely. Teachers are attending school, the associations and the institutes. At our first teachers' institute, there were only one hundred and twenty-six teachers present. At the last institute, there were one hundred and eighty-three teachers in attendance. This fact will show the spirit of the teachers, with regard to the value of institutes. The teachers' institutes have produced a good effect upon teachers and the patrons of the schools. Teachers and all others are beginning to realize that they are an important element in the common school system. All of the institute men have tried to earn the money paid them, and have given good satisfaction.

There are but few who have examined the history of the normal schools. Those acquainted with their workings, especially teachers, speak highly in their praise. My judgment is, that the great majority of these institutions are accomplishing the work designed by the Legislature when they were established.

There are, in this commissioner district, two high schools, from which a large number of common schools have been supplied with good teachers.

I would suggest that districts that give the teacher employed the time in attendance at an institute be paid back the money from the public money.

I think that all district officers should be paid a reasonable compensation for their services. Better men would compete for the offices, and there would be more strife than there is now. It needs good men for district officers, and to get good men they must have pay.

I believe the schools of this district are keeping pace with those of other commissioner districts in the State. I base my opinion upon the testimony of school commissioners, institute conductors and teachers.

I feel conscious that I have done every thing in my power to aid teachers in the matter of teaching, to advise trustees in regard to their duties, and to give to the schools the best teachers possible.

Trusting that I have answered the questions you required,

I am, your obedient servant,

JOHN T. HEALD,

School Commissioner.

UPPER JAY, *November 6, 1880.*

ESSEX COUNTY — SECOND DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—I have in the past year made over two hundred visits among the schools, held three examinations in the different towns, visited and examined the teachers' class, and have found an advancement in regard to a uniformity of teaching reading, it coming to be taught by the word method.

Teachers are striving to be able to conduct a recitation without holding a text-book for momentary reference.

School-houses are, with two or three exceptions, comfortable. They are built, if not in the road, very near it, in a place accessible to both *sun* and *wind*.

Trustees look closely after the financial part of their work. The office is rotating. The trustees seek to keep down expenses and board the teacher.

A willingness to allow the teachers to attend the institute is becoming universal.

Some schools during the months of July and August are very poorly attended. They are kept up merely to get in the required time to get the public money.

During the year, I have granted twelve first grade and twenty-three second grade certificates.

One new school-house has been built, one new district formed, and one town has had its district re-mapped. Civil government and history are being taught.

Good effects of teachers' classes and institutes are apparent in every town.

We hope for the time when the universal demand will be for professional teachers so that the country schools will not be filled with persons who use teaching as a stepping stone for something higher in their estimation.

The statistical and financial part of my report has been forwarded to your office.

Concerning my wants, I may say that to me it seems too bad that our school officers cannot be chosen in August; that some universal examination is not required by the State below which commissioners cannot license, and that some standard of qualification is not required of the commissioner.

Hoping to receive personal visits and advice from you to aid us in this great work (of fixing a standard and working up to that standard) which holds the future *weal* or *woe* in its hand,

I remain, your obedient servant,

L. B. NEWELL,

School Commissioner.

WESTPORT, December 15, 1880.

TWENTY-SEVENTH ANNUAL REPORT OF THE
FRANKLIN COUNTY — FIRST DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.— In compliance with the request contained in your circular of July 20, I respectfully submit the following report of the condition of the schools under my charge.

It is nearly two years since I entered upon the duties of my office, and never having during that time reported particularly in reference to the condition of the schools under my supervision, I thought it might be well for me to commence with the beginning of my term of office.

Shortly after assuming my official duties my predecessor placed in my hands the abstract of trustees' reports for the year 1878. On examining it I found that the number of districts embraced by this commissioner district was 94; the number of children of school age residing in those districts was 6,465; the number attending school some portion of the year was 4,496, and that the average daily attendance was 2,263.

The fact that only a little over one-third of the children were at school each day led me to inquire "where are the 4,202? Why are they not at school too? Where is the difficulty?" On visiting the schools I think I was enabled to discover some of the reasons for so small an attendance.

In many districts I found school houses so unwholesome, uncomfortable and uninviting, so totally destitute of any thing cheerful and attractive, that I did not wonder the children preferred their bright, happy homes and their pleasant surroundings to the unattractive places which their doting parents had provided for their school rooms. And now add to this the fact that the trustees invariably employed the teacher who would work cheapest, regardless of qualifications, and you have a slight idea of many, vastly too many, of our country schools. Another serious drawback in our schools is the frequent change of teachers, which, as a rule, occurs every term. Strange teachers with strange methods and peculiar notions are not conducive to a healthy and vigorous growth of our schools.

During the past two years, I have labored diligently to bring about a better state of things, by urging upon the inhabitants the necessity of providing more comfortable and convenient apartments, furnished with blackboards, maps, charts, etc., and by urging upon trustees the importance of securing better teachers. I am pleased to say my efforts have not been in vain.

A large number of school-houses have undergone thorough repairs, six new ones have been built, and I believe that three others are now in process of building. Better teachers are employed; and notwithstanding 280 less pupils of school age are reported this year than were reported two years ago, and that the diseases incident to childhood have prevailed among children throughout the

county, during the past year, there has been a steady increase in the average daily attendance.

Upon the whole we believe we have reason to be encouraged. There seems to be a lively and growing interest on the part of both parents and pupils, a more earnest inquiry for competent teachers is manifested, more real teaching and less cramming is done in our schools; the old way of our grandfathers gradually giving place to the modern and improved methods of teaching.

I have made one hundred and ninety visits to schools, during the year, usually spending half a day in each school.

As a consequence of these visits I think I may safely say some good results have been attained. Errors, in the manner of conducting recitations and in the government of the schools, have been corrected; the children are more regular in attendance at school, more earnest and thorough in their work, having a higher appreciation of the advantages afforded by our common schools; teachers have been brought to feel the importance of their position and the responsibilities resting upon them, and are putting forth new efforts to make their schools entertaining, interesting, pleasant and attractive.

EXAMINATIONS.

I have licensed one hundred and seventy-five teachers during the year; twenty-five had never taught.

My method of examining and licensing teachers differs somewhat from that usually practiced in this district. At stated times and places the teachers are convened for that purpose when an examination, partly written and partly oral, is given them, and certificates, according to the merits of their examination, granted.

A set of questions, consisting of ten questions to each subject, has previously been prepared; each question marked ten — thus making one hundred credits for each subject. These are printed on slips of paper, each subject separately. Each teacher is furnished with questions and paper, and a definite time given to write out the answers — some subjects requiring more time than others.

Written examinations seem to be the most practicable means of ascertaining the literary attainments of applicants, and when followed by oral, the examiner is enabled to judge somewhat of other necessary qualifications.

INSTITUTES.

The teachers' institute for this county was held in Malone in October last, conducted by Professors Pooler and Holden. The attendance and interest were gratifying indeed. The instruction given, thorough and practical. The eagerness and earnestness with which teachers grasped new ideas, when presented, clearly evinced the fact that they appreciate and value the opportunities afforded by our institutes for building themselves up in their profession.

As we have not had an opportunity of judging of their work we are not in position to determine the extent to which teachers have been benefited. But judging from our own experience we are convinced that the benefits derived from a well conducted institute are of great value to the successful teacher, and we predict that much good will result from the instruction given at our late institute.

A very important feature connected with our institute this year was the organization of a county teachers' association.

NORMAL SCHOOLS.

I am pleased to say that the normal schools are gaining favor in this county. The prejudices, which have heretofore closed the doors of many of our schools to teachers who were trained in the art of teaching, are being gradually removed, and in some districts the experiment of employing a new fashioned teacher has been made with satisfactory results.

I believe the design of the Legislature, in establishing our normal schools, was to provide for the training of teachers for our common schools. It is a fact to be deplored that the majority of our normal graduates are unwilling to take the field designed for them, but are seeking positions in high schools and academies. One reason for this, we believe, is the low wages offered by trustees in our district schools. They think they cannot afford to spend time and money to fit themselves for good work and receive such meager compensation for their services. We hope the time is not far distant when trained teachers will be the rule and not the exception.

ACADEMIES.

If there is any thing that the people of Franklin county may justly be proud of it is their academies and their system of graded schools connected with them. The hearty and liberal support given them is evidence that they are highly appreciated by all lovers of the cause of education.

Franklin Academy.

Franklin Academy, situated in the village of Malone, was incorporated April 28, 1831, and with the completion of the present year, attains the age of fifty years. The buildings are situated upon a pleasant common of four acres, in a commanding position, on the west side of the river. The lot is valued at \$9,000. The present building, which is the fourth in the order of erection, was built in 1870 at a cost of \$40,000, and contains both academy and a part of the graded school. Eleven principals have been connected with the institution, and the twelfth one, Mr. M. E. McClary, has its interests now in charge. Prof. McClary is the right man in the right place. The present prosperous condition of the school is largely due to his energetic efforts and untiring zeal.

Control.

The academy is under the control of the Malone board of education, half of whose members are chosen from the trustees of the academy.

Instructors.

The instructors consist of Martin E. McClary and Charlotte M. Kloss.

Courses of Instruction.

There are three courses—each course requiring three years; first, the classical, which aims to give a good preparation for our leading colleges; second, the Latin-English is intended for young ladies and gentlemen who are looking to some special course, and the English which embraces the elements of good education.

Normal Class.

For sometime we have felt that the methods used in our graded schools should become the common property of the county, and that the benefits which as a town were received from them should be shared by others in the county. The first step taken to carry out this design was to request that a class might be formed at the academy, which should be devoted exclusively to the instruction of teachers in the art of teaching.

In pursuance of this plan a class was formed in the spring term of 1880, which numbered over fifty. The success of the plan led to the forming a special course, during the fall term of each year, for teachers. The membership during the past term was twenty-six.

We feel confident that seed has been sown by this "new departure," that shall bear rich fruit for the cause of education in our county.

Prof. McClary, Miss Sarah Perry, superintendent of grades, and Miss Clara Parmelee are the instructors of this class, and the very gratifying results are attributable to their earnest and efficient efforts.

I have, through the county papers, advised the people of our training school for teachers, urging the trustees to employ those who have made some special preparation for their work; and it is a very encouraging fact that the teachers of this class are, this fall, preferred to others even though they had more experience.

Prizes.

By the kindness of the Hon. William A. Wheeler, the sum of two hundred dollars was received in the year 1878-9, and distributed among the schools, to be awarded in prizes to those pupils who attained the highest degree of excellence. This was attended with such satisfactory results that the same gentleman gave for the year 1880-81 the generous sum of five hundred dollars for a like

purpose. Of this sum, the academy received one hundred and forty-eight dollars; twenty-seven of which is given in prizes to the teachers' class.

Attendance.

The attendance at the academy for the school year ending September 30, 1878.....	79
For the school year ending September 30, 1879.....	85
For the school year ending September 30, 1880.....	145

This fact shows there is life in the school and that the work is well done.

In the year ending September 30, 1880, there were one hundred and sixty-four non-resident pupils in the school, of which seventy-six were in attendance at the academy. This is a large increase from last year.

Regents.

The whole number of pupils who passed Regents' examination during the years from 1866 to 1877-8 was	166
Average for each year.....	15
Average for each year in State	14.2
Number who passed 1878-9.....	19
Number who passed 1879-80	24

This gain is due partly to the increased number of those who have been at school and partly to the stimulus of Mr. Wheeler's prizes.

Graduates.

During the past four years, twenty-two pupils have completed one of the full courses; of this number, seven are now attending colleges, as follows: One at Yale, 1 at Dartmouth, 1 at Hamilton, 1 at Columbia, and 3 at Cornell.

Library.

There is a well selected library of over seventeen hundred volumes, which is of great assistance to all pupils. It is free to all, under certain restrictions. Large additions are made each year.

The Grades.

Connected with the Franklin Academy is a system of graded schools which, for thorough and systematic work and the excellence of its methods, ranks among the first, of like kindred, in the State. Although connected with the academy, the work in these schools is distinct — their interests being in charge of a superintendent.

The whole number of pupils enrolled, during the past year, was 1,017; number of grades 9; number of schools 16.

At the beginning of the present term two schools were formed of the sixth grade, and at the last annual school meeting a resolution was passed to form another primary in the north part of the district. The building will probably be ready for use at the beginning of the next school year.

A building accommodating four grades was erected last year in the east part of the district, at an expense of \$7,000. Its location is one of the pleasantest in the village, its arrangement of rooms convenient, and its furnishings complete in every respect. The teachers are all ladies, and with regard to order and thoroughness each school is a model. The bearing of the whole school is that of a well regulated happy family.

A decided improvement is noticeable in all the schools during the past year. This is due to the watchful care of an educated and generous school board, and to the painstaking efforts of a corps of teachers who, without exception, are intelligently enthusiastic over their work, tireless in their search for improved methods and thorough in the application of them. While we feel that a perceptible advance has been made in all the work, we believe that it is just that special mention should be made of the results attained in reading, spelling, number and language.

Primary Reading.

In teaching beginners to read, the sentence method is used, and with more gratifying results than in any previous year. This is owing to the better understanding of the principles on which the method is based, and on account of a better acquaintance with the method by the patrons, there seems to be less necessity for compromising with other methods of less merit.

We believe that the teacher is, in a measure, at least, responsible for the character of the literature chosen by the pupil, not only before, but after he leaves school, and that the influence of the primary methods in creating this taste for *good* reading is indicated by the number of applications made for books each week at the village library.

Spelling and Penmanship.

Excellent work has been done in spelling and penmanship by all, especially the primary grades. The slate is almost constantly in the hands of the little ones, and with careful supervision and correction of all work by the teacher, constant progress has been made. But little oral spelling is used even in the advanced grades. The tests of the pupil's ability to spell are in writing, and at the examinations which occur twice each term, the standing in this subject is made from the written work in all other subjects.

Arithmetic.

Grübe's method of treating numbers is used in the primary grades and with the best results. Each number with all its relations to preceding numbers is treated before a new number is considered.

A greater degree of thoroughness and accurate work in arithmetic may be noted in the advanced grades. The quality of the work is made important instead of the number of subjects considered; accuracy and a thorough understanding of principles rather than descriptions and formulas.

Grammar.

While it is the duty of the teacher to aid the child in becoming familiar with correct forms of spoken language, she has no right to consider her work as finished until he is able to clothe his thoughts in good written language. Believing that these forms are acquired in most cases, at least, before children are sufficiently matured to study technical grammar, and that they are acquired by much practice in speaking and writing, the superintendent established, at the beginning of the spring term, a course of graded lessons in composition for the fifth, sixth and seven grades, to take the place of the work formerly done in grammar. From the results we have already seen of this "new departure" we feel warranted in saying that pupils who complete the work of the grades will not only have a better knowledge of technical grammar, but will have gained vastly in their ability to use the English language correctly.

Physiology and Botany.

The fifth grades have also done admirable work in physiology and botany. This work, with the pupils of the lower grades, may be considered invaluable for the reasons that many of the lessons are of the greatest practical benefit to the pupils, and a disposition is induced for further investigation and study in these and their kindred sciences.

The teachers are deserving of all praise for the attractiveness given to the work, and the thoroughness with which it was accomplished.

Drawing.

At the beginning of the year, Walter Smith's system of industrial drawing was introduced, and thus far the work has been commendably done.

Music.

Usually one lesson is given each week to each grade. This work is done by a special teacher, who has, during the past year, systematized the work with regard to the abilities of the different grades. More certain advancement must consequently be made. It is needless to make mention of the influence of this exercise upon the department of the schools. There has recently been quite a "falling off" in the number of refractory pupils. This may be accounted

for, in part, by the increased interest awakened in the schools — the consequent, less time being found for mischief.

Conclusion.

With grateful acknowledgment of the liberal support given me on the part of the people, of the hearty co-operation of school officers and teachers, in my efforts to elevate the standard of our schools; and of the courteous and prompt attention given all my communications by the Department,

I am, very respectfully yours,

S. A. ELLSWORTH,

School Commissioner.

BURKE CENTRE, November 15, 1880.

FRANKLIN COUNTY — SECOND DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.— Aside from the abstract already forwarded to your Department, I respectfully submit the following report.

There are in this commissioner district eight towns, situated in the northern and western part of Franklin county, extending on the north along Canada line 24 miles, on the west along the east line of St. Lawrence county 60 miles, comprising within its limits 85 common school districts, with as many school-houses scattered along the valley of the St. Lawrence, clinging to the foot hills of the Adirondacks, and some far up among the streams and ponds of the sporting forests. In those schools there are employed each term 95 teachers. During the past year, I have made 175 official visits to those schools, sometimes visiting only one school in a day, suggesting to teachers improvements in conducting recitations, assigning lessons, etc., but on the average inspecting about two schools in a day. Have held six separate classes within the county for the purpose of examining and granting certificates to teachers. The examinations were partly oral and partly written, the written similar to those instituted by the Regents, viz.: A set of printed questions, the answers to be written, with a set time for each subject.

I have licensed 135 teachers within the year. I do not know that I am prepared to make any suggestions as to improvements which may be made in methods for licensing teachers. A common sense view of any thing should receive approval, and is it not a fact that in judging of the fitness of an applicant a *personal* observation of their deportment and general bearing should be taken into consideration, aside from their papers prepared in the class? Were

the requisites for a good teacher confined to mere book knowledge, then some method similar to that of the Regents in passing students from the grades might be considered. The present law of the State in regard to the apportionment of the public money is admirably adapted to the wants of the rural districts. In its practical workings it is a strong incentive for parents, and especially tax payers, to keep their children in school, and it sufficiently protects all.

At the last apportionment in this county each resident child of school age drew 53 cents, and the apportionment for each average day's attendance was \$1.47 (discarding the fractions of a cent). I have used every means to acquaint the people with the workings of this method of apportionment, by talking it to the schools and teachers. Last September I addressed a printed circular to each of the trustees, to be read at their annual school meeting; among other things calling their attention to the fact that children who did not attend school drew only 53 cents of public money, while a child who attended school every day of the session drew \$2. Touch a man's pocket and you give his intellect a jog.

Two years ago I issued to the school districts printed blanks for the teachers, to make to me, each term, a special report containing the name of each child attending school, its age, number of days' attendance, and number of times tardy; and on visiting the school I make special mention of those who have not been tardy or absent more than a given number of times. In many schools where tardiness was the rule, to-day it is the exception, and to this special report has since been added the class standing of each child in his lessons. Growing out of this is a desire in the schools to have printed cards, one for each pupil, on which the teacher, each week, places the number of days' attendance, number of times tardy, deportment and standing in class recitation. The children take it to the parents for examination and signature, then return it to the teacher to receive the next week's standing. The little folks like it, although it makes more work for teacher and commissioner. While I am now writing, an order comes, "Please send me a hundred of those cards."

Perhaps the most serious obstacle to the advancement of our common district schools is the present system of trustees and their methods of the employment of teachers. Every year I notice reports on the subject, setting forth the evils in detail; yet the half has not been told. Our educational interests require some more permanent supervision.

The *institute* work done in this county for the past five years has materially aided both teachers and commissioners, and the foot-prints of the able conductors furnished by your Department are plainly visible in our schools. The public sentiment is decidedly in their favor.

That the *normal schools* of the State have done a great and good work does not admit of a doubt. At a time when teachers were each experimenting for themselves, those institutions arose like the

flag-staff of a scattered wandering army, a rallying point around which the best fruits of the past could be gathered, and in the hands of warm zealous workers be formed into a scientific basis for teaching, the influence from which shall more or less pervade every common school in the State. That influence for good is being felt and welcomed by the mass of the well-wishers of our educational interests. Let us hold to our present light until some brighter rising star of the future shall reveal a path by which the teacher may more effectually avoid the blundering experiments of the past.

The academy at Ft. Covington under its efficient board of education is doing good work; its teachers' class has furnished some of the best teachers in my commissioner district. The primary departments are furnished with teachers who understand their work. The most approved methods have been introduced, and in their new and commodious building we predict a prosperous future.

A private school under the patronage of the Roman Catholic society has recently been established at Hogsburg. Through the courtesy of Mr. Grow, a merchant of the village, I have had the pleasure of visiting the school. A goodly number of pupils was in attendance. For the accommodation of this school a splendid new edifice has been erected costing several thousand dollars, and with its present corps of efficient teachers it cannot well fail of success.

That the common schools are gradually advancing in point of interest and efficiency is a well established fact with us, founded upon personal observation and examination of their condition for the last five years, and the records corroborate that opinion. In 1875 there were in this commissioner district 5,447 children of school age with an average daily attendance of 1,903. In 1880 there were only 5,283 children (and a portion of those attending a private school), with an average daily attendance of 1,975, showing that with 164 less children the average daily attendance has increased 72, and notwithstanding this falling off of 164 children, the number of days of actual attendance at the common schools in this commissioner district is 27,158 more than in 1875.

Very respectfully yours,

D. D. D. DEWEY,

School Commissioner.

MOIRA, October 30, 1880.

FULTON COUNTY.

HON. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In accordance with your requirements, I most respectfully submit the following, in addition to my financial and statistical reports.

My time has been fully occupied during the past year, in trying

to better the condition of the schools of this county. How well I may have succeeded in accomplishing this object, in how great a degree I may have succeeded in bettering their condition, I cannot now be expected to say. Time alone will tell.

I visited every school under my supervision once, all but five twice, and many of them three times. The five schools which I visited but once during the past year, were not in session when I reached them the second time. To accomplish this, I made 280 official inspections and traveled over 2,500 miles.

The 117 school districts of this county employed 159 teachers during the year, an average of 32 weeks and 3 days. You will observe from this, that the commissioner, in order to visit ever teacher during both the summer and winter terms, must devote the whole of his time in that direction, while the schools are in session.

I have made it my aim to so conduct my official visits as to be regarded by all as a friend who has come for the purpose of aiding them in their work. I have also urged trustees and patrons to manifest a greater interest in their schools, to visit them occasionally and thereby encourage both teacher and pupils.

The union schools located in the villages of Johnstown and Gloversville are in a flourishing condition. They are well organized and well conducted. The one at Gloversville employed 20 teachers during the past year, registered 1,283 pupils, with an average attendance of 843. The board of education is composed of some of the wisest and most liberal-minded men of the village. They are proud of their school, and are willing to do all in their power to sustain it.

The one located in the village of Johnstown employed 15 teachers, registered 966 pupils, with an average attendance of 643. The board of education too, consists of the best and most enterprising business men of the village. They are untiring in their efforts to sustain their school, and their liberality plainly shows that they are wide-awake in the cause of education. Some of our best teachers have received their training in the teachers' class connected with this school.

I have labored earnestly to raise the standard of teachers' qualifications, by subjecting every applicant to an examination, and withholding certificates from those whom I thought unqualified. I have held public examinations at different points in the county, employing what is called the written method, and have licensed 88 teachers.

I demanded a satisfactory examination in the following subjects, for third grade certificates: Orthography, reading, spelling, penmanship, geography, including use of maps and globes, arithmetic and grammar. For second grade, I required 80 per cent. of the questions on the subjects mentioned above, with the addition of United States history and civil government. For first grade, I demanded 90 per cent. of the questions required for second grade, with the addition of physiology and algebra.

The above has been my *rule*. The *exceptions* are these: You

will observe by referring to my statistical report, that there are two districts in this county with an assessed valuation of all real estate and personal property less than \$3,000 each. There are 16 others with an assessed valuation less than \$5,000 each; and 30 others with a valuation ranging from \$5,000 to \$10,000.

Taxation for school purposes in many of those districts has become a burden. Trustees are compelled to hire for very low wages, and the commissioner is forced to grant certificates to persons possessing a very limited degree of literary qualifications.

District libraries, so far as their usefulness is concerned, are things of the past. They amount to nothing, and I fail to see the propriety of appropriating money for their support.

In my report submitted to the Department last fall, I stated that there were eight school-houses in this county, entirely unfit for use. By persistent effort, I have succeeded in having three of these thoroughly repaired. I have directed *my guns* against the other five, and I intend to keep up a continual fire, until the *few*, who are still holding these rickety old forts, shall surrender. Nevertheless we have had some good schools in these forsaken-looking school-houses.

It seems to me that those who advocate the enforcement of the "Compulsory Education Act," who would send out ministers of the law to force children into our schools, do not view the matter from a proper stand-point. It is evident that compulsion, as a means of securing attendance, is a failure. And, in my opinion, it always will be in a free country. I can conceive how it is possible to force children to school in a country which governs all its subjects by centralized power; but in a country like ours, where self-government is the leading thought of the people, compulsion, or any thing which tends in that direction is resisted. More attractive school-houses and better teachers are good substitutes for compulsory education.

Four appointments to the State Normal School at Albany, and one to the State Normal School at Brockport, have been made from this county, during the past year. While these institutions may not accomplish *fully* the work designed by the Legislature, when they were established, in my opinion, they are doing a *good* work. Normal graduates stand at the head of the teachers' profession. Their services are sought where their salaries can be paid.

The teachers' institute was held in the court house at Johnstown, commencing October 4, and continued five days. There were 181 teachers present, an increase of thirty over last year. The gentlemen who conducted the exercises, Professors Post and Baldwin, were practical and energetic, and their suggestions were highly appreciated by the teachers. Our evening sessions, which consisted of lectures and discussions, were well attended by the teachers and citizens. Lasting impressions for good are made by these itinerant normal schools. Let them be sustained. We cannot afford to be deprived of them.

At a competitive examination, held in Kingsboro, last June, John M. Drury received the appointment to Cornell University.

Our schools as a whole are tending upward. Teachers are doing better work. Parents are taking a greater interest, and every thing looks encouraging.

I desire, in conclusion, to thank the Department of Public Instruction, for the promptness with which all my inquiries have been answered, and the advice which I have received from it.

With high hope of the future, and with a determination to do all in my power to improve the schools of Fulton county,

I am, yours very truly,

D. D. CROUSE,

School Commissioner.

BROADALBIN, November 26; 1880.

GENESEE COUNTY.

HON. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In compliance with your request, I respectfully submit the following brief report in relation to the schools under my supervision.

Number of school districts in this county	155
Number having school-houses in this county ...	139
Number of duly licensed teachers employed and teaching at the same time	159
Number of children between 5 and 21 years of age residing in the county on the 30th day of September, 1880	10, 046
Number of children attending the public schools during the year	6, 969
Average daily attendance during the year.....	3, 667.737
Average number registered per teacher.....	41.943
Average daily attendance per teacher.....	23.064
Average number of weeks each school was taught	31.793
Number of inspections by commissioner.....	241
Amount of land used for sites.....	50A. 52 rds.
Assessed valuation of property for school purposes	\$16, 720, 656 00
Estimated value of school property as taken from trustees' reports	154, 875 00
Amount raised by tax for all school purposes ...	35, 041 64
Average rate of tax per dollar	.00209

Number of frame school-houses	114
Number of stone school-houses.....	16
Number of brick school-houses	9

FINANCIAL SUMMARY REPORT.

Receipts.

Amount on hand October 1, 1879	\$2, 985 82
Amount apportioned to districts'.....	21, 025 92
Amount raised by tax.....	35, 041 64
Amount received from other sources	1, 957 14
Total	<u>\$61, 010 52</u>

Payments.

For teachers' wages.....	\$39, 357 29
For libraries	309 40
For school apparatus.....	146 35
For school-houses, fences, repairs, etc	5, 033 17
For incidental expenses	13, 020 83
Amount on hand September 30, 1880	3, 143 48
Total	<u>\$61, 010 52</u>

There is an increasing and wholesome interest in educational matters in Genesee county. The demand for professional teachers and normal graduates is steadily growing. A desire for improved methods in imparting instruction, less *hearing recitations* and *more teaching*, is prevalent among the people. Our best schools are those where teachers are retained for a series of terms and paid fair compensation for their work.

Institutes are doing much for our schools in presenting the best methods of instruction and creating an interest in their workings. I notice with pleasure that at each succeeding institute held here more and more of the officers, patrons and friends of our schools attend, and manifest a great interest in the exercises. I believe this to be ominous of good results.

We need a greater co-operation of patrons and friends in visiting our schools. Were the people to attend to this matter more closely, it would stimulate the teachers to better work and make the schools more efficient.

I desire to express my thanks to the Superintendent and the Department, for courtesies extended and favors granted during the past five years.

Very respectfully,

your obedient servant,

C. V. HOOPER,

School Commissioner.

BATAVIA, February 2, 1881.

GREENE COUNTY — FIRST DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.— In accordance with your directions, I transmit the following report of the condition of the schools under my jurisdiction.

I believe the common schools of this commissioner district have shown, during the past few years, a decided improvement, not only with reference to the qualification of the teachers employed, but also as regards the interest shown in them and the willingness with which, in many cases, their support is furnished. For a verification of this opinion, I am willing to appeal to the judgment of the institute instructors who have come among our teachers and had opportunities to note the standard of ability furnished, and to the public sentiment of the district which perhaps is ready to concede the fact of any favorable change.

It has certainly been within the last five years that teachers have really awakened to the importance of methods in teaching. The old rote method was once good enough. Its sufficiency was never questioned. Now the teacher who asks questions merely as given in the text-book is voted behind the times. Formerly a teacher had only to contract with the trustee; the element of uncertainty in an application for license to teach was never seriously considered. It has now become one of the telling conditions in a contract to teach.

Geographically considered, the district is composed of seven towns, or about one-half of Greene county, and contains seventy-six school districts within the county, with seventy-seven school-houses. One half the district is situated among the Catskill mountains, so that a complete visitation involves the passing and repassing several times ranges at the height of from two to three thousand feet, besides the ordinary difficulties incident to travel in winter and over hard roads among the mountains.

I have made, during the past year, ninety-six official visitations. My plan generally is to reach two schools each day, and to spend as nearly as practicable one-half day at a school. However, I think this method of supervision is better than any thing yet suggested. It does not work wonders, neither does it furnish a remedy for all the defects of our organized schools and school districts. The pupils are led to believe that there is somebody in the wide world whose attention is directed to them and their wants. That the work they are engaged in is of some consequence, and that they are scrutinized by one who has the force of law behind him in the encouragement and advice which he may give. The teacher is reminded that slovenly work, indolence and inattention to the duties of his position will be detected although practiced behind the gaze of patrons and school officers; that his professional standing will be determined to a great extent by the observations made at these visits, so that a wholesome effect upon the teacher and pupil is produced by the

prospective as well as the real visit. Many teachers readily give their assent to plans suggested by commissioners, but they naturally and almost unconsciously fall back into, or keep straight along in, the old ways traveled by their fathers or their fathers' fathers. The force of habit with some is stronger than the power of public opinion. The difficulties in the way of creating sweeping or even satisfactory reforms in a brief period are such, that I feel constrained at times to content myself with making a crusade against some of the more marked evils and abuses tolerated, trusting that with time and a little leaven there may be wrought out the more complete reformation.

I have licensed during the school year ending September 30, 1880, one hundred and forty-five teachers. One hundred and forty-two licensed by local officers, and nine holding State certificates or normal diplomas were employed in the district. This indicates a great many changes during the year, as only ninety-seven are required to fill the schools.

My method of examination is to hold meetings in the several towns both in the spring and fall. At these meetings written examinations are required, and the aim has been to secure thoroughness in the common branches, rather than to require proficiency in higher English studies. These meetings have been well attended, and good results have been attained, as the decrease in the number of disappointed applicants every year attests.

I have discouraged as much as possible the custom among teachers of applying for licences in the intervals between these meetings, well knowing that what is called a "private examination" is generally incomplete and unsatisfactory, and almost always opens the way for a great deal of personal solicitation in behalf of the applicant that is blind to every thing except the desired certificate.

I believe that a law compelling would-be teachers to present a Regents' certificate or its equivalent as a preliminary qualification for a commissioner's license would act as a wholesome check upon the too frequent and lavish distribution of teachers' certificates that indicate nothing but the gross incompetency of the school officer, and would at certain times relieve the commissioner of an option disagreeable and perilous however exercised. It may be somewhat humiliating to confess that an officer, one of whose chief duties is to restrain others should himself need the restraints of law from exercising the natural and apparently normal duties of his office; yet this is in harmony with the principles of our government, made up as it is of a system of checks and balances.

But the greatest difficulty in the way of efficient schools in this commissioner district, is the unequal distribution of property and children among the school districts. They range all the way from a district having 1,108 children between the ages of 5 and 21 years, and an assessed valuation of \$825,000—to a district having only 11 such children and a valuation of \$1,335. There are six districts having

a valuation less than \$3,000 each, and twenty-one having an assessment less than \$5,000 each. There are twenty having less than 30 children of school age, within the limits of each, and 36 each having less than 40 such children. So it would seem that in many of the districts it is impossible to have good and prosperous schools despite all efforts at supervision or in any other direction.

There is not a sufficient number of pupils to make up a school, neither is there an adequate amount of wealth to bear the necessary burden of taxation. As a consequence, cheap teachers, cheap apparatus, and cheap schools become necessities of the town, if any school at all is supported. During the school year just ended, forty-one districts out of the seventy-six, under my jurisdiction, spent for all school purposes less than \$200 each, and sixty-one expended less than \$300. It needs but a brief computation to demonstrate how utterly insufficient these amounts are to afford for 30 or 40 weeks the services of a good teacher, besides paying the necessary expenses incident to an organized school.

The office of trustee is generally passed around among the inhabitants of the respective districts, and is considered a sort of burden to be borne equally by the people, so that the chances of having uneducated trustees, or those knowing next to nothing of school management, are as likely to prevail as the contrary. No institution or business can succeed without an immediate and intelligent supervision. How then can a system prove effective which is carried on under the management of directors selected only, generally, at random? There is hardly a trustee's report sent me that is correct, and many are wanting in the most important information. As a remedy let us, if necessary, ransack the townships for competent school officers and place the management of the whole town under one board of fifty chosen men.

There has been a marked interest of late in the teachers' institutes held in this county. The fall of 1876 gave us an average attendance of about one hundred. The institute roll for the last session, which was held in September with Profs. Johonnot and Post as conductors, shows a daily average of 177 and a total attendance of 210. These meetings have done much to awaken and direct teachers in their work, and are becoming deservedly popular. Only one session a year thus far has been requested under the present regulation, because teachers have generally felt too poor to attend more than that in one year, and with their present wages it is all they can afford.

From what I see of the workings of the normal schools and the institutes, I am led to believe that the latter are far more efficient than the former. The persons who graduate at the normal schools are no more likely to follow teaching for a profession than those receiving their education at any other institution. The inducements to follow the profession of teaching are such that people take up with that which offers the best return. The obligation to follow

a calling when something else pays better 'seems to be no more binding upon a normal graduate than upon any other individual. My suggestion would be to make the institute in its best estate accessible to every teacher without excuse.

The teachers of this district, within the period of my official career, have done nobly, and I wish to bespeak for them the favorable consideration of the public. They have worked faithfully with small wages, and earned a great deal more than they have received. The fault is not primarily with them. They have faults, but they are chargeable to the circumstances of their situation. There is a good teacher for every district that pays for one. I have endeavored to enable the people to obtain the best teachers which the money to be expended would hire.

The school year just ended shows an increase in the average daily attendance of 89 over the previous year. There have never been as many or as prosperous teachers' associations as now in the district. The people were, perhaps, never more alive to the importance of having good facilities for the education of the masses; but the difficulties, as I have stated, are such as to preclude the possibility of any sudden or complete educational development. I trust the day may not be far distant when the people of this district will all see that it is to their advantage to pay teachers a reasonable compensation—when their profession shall be treated as an honorable one—when the burlesque term of "school marms" shall not be deemed good enough to indicate the persons who are shaping the destinies of the 4,000 children that daily attend our schools; and when the toiling laborers intrusted with this responsibility shall receive the recognition which the dignity of their calling demands.

Please accept my thanks for many favors conferred by the Department, and for the promptness and courteous manner with which my frequent requests have been complied with.

CLARENCE E. BLOODGOOD,
School Commissioner.

CATSKILL, *December 15, 1880.*

GREENE COUNTY—SECOND DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—In compliance with your request, I respectfully submit the following brief statement in regard to the schools under my supervision.

This commissioner district comprises the towns of Ashland, Cox-sackie, Durham, Greenville, New Baltimore, Prattsville and Windham, which are subdivided into eighty-six school districts, and parts of districts, three of which are joint, having their school-houses in other counties, leaving in this county eighty-three school-houses subject to visitation by the commissioner. The number of

duly licensed teachers employed and teaching for twenty-eight weeks or more, during the past year, was one hundred and forty-two. Of these, one hundred and thirty-two were licensed by local officers, seven by the State Superintendent, and three by the State Normal School at Albany. Fifty-eight were males, and one hundred and one were females. The number who taught two consecutive terms in the same district was thirty-five, leaving fifty-three districts that employed teachers for only one term. These frequent changes are a serious detriment to the proper advancement of our schools, and I have endeavored to impress upon trustees the importance of retaining teachers when found capable and efficient.

Trustees' reports have been received from all the districts, and showed that school had been maintained in each the time required by law to entitle them to share in the distribution of public money. Sixty-four of our schools were taught on an average of thirty-four weeks; nineteen for only twenty-eight weeks. These schools are not continued after the required time of twenty-eight weeks has been completed, for the reason that every week of summer school in the rural districts decreases the average daily attendance because the attendance during the winter time is greater than during the summer, therefore these districts draw more money by having only the twenty-eight weeks of school. Would it not have a tendency to lengthen the school term from three to six weeks, and do much to stimulate trustees and others to encourage attendance, if that portion of the public money which is now distributed according to the average daily attendance was apportioned on the basis of the whole number of days' attendance in the district?

The following comparative table of statistical items taken from my abstracts of trustees' reports for the preceding two years will show to some extent the present condition of our schools, and what progress has been made, during the past year, in any of the items mentioned:

	1879.	1880.
Number of children over 5 and under 21 years of age, residing in the districts was.....	4,327	4,166
Number in attendance.....	3,388	3,250
Daily average attendance.....	1,577	1,646
Whole number of days of attendance.....	266,952	275,217
Number of inspections by commissioner.....	120	137
Number of volumes in district libraries.....	3,579	2,980
Value of district libraries.. ..	984	912
Number of libraries having a case for books...	54	51

By an examination of the above table it will be seen that the number of children over five and under twenty-one years of age was 161 less in 1880 than in the preceding year; the number in attendance 138 less, while the average daily attendance for the year 1880 was 131 more than in the year 1879, and the whole number of days' attendance of children residing in the districts was 8,299 more. With a less num-

ber of children reported in 1880, these figures show that there was a more steady attendance, which gain is a very important item in the education of the children.

The following is the financial statement of the district for the year 1880 :

Receipts.

Amount on hand October 1, 1879	\$176 20
Apportioned to districts	10, 332 65
Raised by tax	8, 171 31
Other sources not named	2, 532 52
Total	\$21, 212 68

Payments.

For teachers' wages	\$18, 914 66
For libraries	50 05
For school apparatus	3 97
For school-houses and sites	606 27
For incidental expenses	1, 205 12
Amount on hand September 30, 1880	322 61
Total	\$21, 212 68

One union free school was formed in this district under the provisions of the general law, October 23, 1880, by consolidating districts Nos. 1, 2 and 3, which composed the flourishing and enterprising village of Cossackie. The board of education consists of nine members, who are some of the most prominent and liberal-minded men of the place, and their united efforts cannot fail of accomplishing what has been for a long time needed, a decided advancement of their educational interests.

Nine applications for admission to the State Normal School at Albany have been forwarded to you for appointment, within the past two years. And I shall continue to exert my efforts in that direction, considering the great utility of these schools in preparing teachers for their high and noble calling. Three graduates taught in this commissioner district, during the past year, and with complete success; and it would be a decided improvement to our schools if many more of our teachers would avail themselves of a course of normal instruction.

Classes for the licensing of teachers are held twice a year, spring and fall, in each of the seven towns of this district, and a written examination is required of all applicants for certificates in the following branches: Reading, penmanship, orthography, geography, arithmetic, grammar with analysis and parsing, history of the United States, civil government, and spelling. Then an oral one, which brings out the principles and methods of teaching, and their stand-

ing in each of the above subjects is recorded. From this I am able to determine what improvement has been made by each teacher from one examination to another.

With but few exceptions our teachers are thorough, energetic and successful, and have rational ideas of teaching. Books, in some of our schools, have been almost entirely discarded, and oral instruction by topics from the blackboard substituted, and with good results. And our schools, during the past year, have been very successfully managed.

The institute for this county was held at Greenville, commencing September 6, 1880, and continued in session five days. The exercises were efficiently conducted by Professors R. E. Post and James Johnston, both of Ithaca, N. Y., and the institute proved to be a complete success in every particular. Two hundred and nineteen names were enrolled as members of the institute, which was the largest one ever held in the county. The instruction was practical, and well adapted to the actual and most immediate wants of our schools, and the lectures delivered during each evening of the session were highly interesting and instructive, and were listened to by a large and appreciating audience; and the singing exercises, conducted by Prof. Chas. McCabe, of Greenville, added much to its success.

To the Department for favors received, and to the people of my district for their hospitality, and, also, to the teachers and trustees for their kindness and hearty co-operation, I extend my sincere thanks.

I am, your obedient servant,

GEO. TOWNSEND,

School Commissioner.

GREENVILLE, January 5, 1881.

HAMILTON COUNTY.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In compliance with the request contained in your circular, I beg leave to submit the following report of the condition of the schools under my jurisdiction.

Notwithstanding some drawbacks, I believe upon the whole the schools in the county are steadily advancing, and that Hamilton county can compare favorably with any of the adjoining counties.

Within the past five years there have been seven new school-houses built in this district, and several have been thoroughly repaired. Now with two or three exceptions, the school-houses are all in comfortable condition.

During the past year, I have licensed sixty-nine teachers, granting the certificates at different times, have visited each school in the county twice during the year, each visit occupying as nearly a full half day

as possible, and it is encouraging to learn that there is a growing interest in the schools.

There was no institute held in this county the past year, nor for several years previous, it being more convenient for teachers to attend in adjoining counties.

In conclusion, let me return to the Department my sincere thanks for the prompt attention that my often repeated inquiries have received.

Very respectfully yours,

DANIEL COCHRAN,

School Commissioner.

WELLS, November 20, 1880.

HERKIMER COUNTY — FIRST DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—In compliance with your demand for special information in regard to the status of the schools under my supervision, I have the honor to submit the following report :

Within this commissioner district there are 107 school districts and parts of districts, 98 of which have their school-houses situated within the county ; and of these, two have had no school during the past year, and in district No. 1, town of Little Falls, the duties of supervision have been performed by a superintendent.

To the remaining 95 schools, I have made one visit each ; to 75 of them I have made two visits each ; to five of them three visits each ; to one four, and to one five visits each, making an aggregate, during the past school year, of 187 visits to 95 schools.

I have licensed, during the last school year, 207 teachers, giving first grades to 35, second grades to 65, and third grades to 107.

In the examination and licensing of teachers, but one object or one theory has been held in view — that of supplying the public schools with the best teachers that may be obtained.

The success of the schools depends very largely upon their being supplied with efficient teachers, and those which are thorough workers in the school room.

Considering this principle as underlying the whole subject, I have endeavored to ask such questions as would thoroughly develop the subjects of orthography, reading, English grammar, geography and arithmetic. I have required the above for third grades ; and for second grades I have added thereto the subjects of history and civil government, with at least two terms of successful experience in the school room ; and for first grade I have added to all of the above branches, the subjects of elementary algebra, plane geometry and natural philosophy, with at least two years of successful

experience as teacher in the school room. I have required in all my examinations that at least 75 per cent. of the answers should be correct.

I have had stated times for these examinations, on which I have met the teachers in six to eight different places in my district, giving one day to each examination at each place. We have also devoted the Saturday of the institute week to the subject of examinations, besides individual cases that frequently occur.

The examinations on the week of the institute have all been written, and the others have mostly been oral. I am sensible of many disadvantages in the methods now employed in this State to examine and license teachers, and I would suggest the following, as one far better calculated to meet the wants of our school system: I would have a uniform standard of qualifications, for the teachers throughout the State; I would have the examinations all written ones, and they should be made as now by the commissioners, and the questions propounded, with the answers thereto, should be submitted to a board competent to judge of their merit, and appointed for that purpose by the Department of Public Instruction. This board should grant the licenses, and there should be two and only two stated times, during the year, for making these examinations.

In offering any remarks on the basis for apportionment of the moneys set apart by the State for the use of the schools, I must admit that I labor under some embarrassment. This subject has been investigated by many if not all of our able State Superintendents; it has from time to time been discussed by all able statesmen in our legislative halls, and, so far as I am aware, the combined wisdom of all has concurred in the soundness of the principles of its present basis, and if I mistake not, it has for years been sanctioned by the masses of the people of this State. Many theories which are plausible in their conception, and apparently philosophical in their details and logical in their conclusions, are not susceptible of being reduced to practice; their want of adaptation to surrounding circumstances render them inappropriate, and not unfrequently we discover that system and theories which appear valid on their superficial examination, are found in practice to be unequal and unjust. Taking for granted that those principles are soundest which operate the most equal, just and equitable, let us try every system by this standard, and adopt that which approximates nearest to it; the present basis of apportionment is, as it seems to me, unequal and unjust. It will readily be conceded by all that irregularity of attendance in the schools is one of the greatest evils which hampers the efforts of the teacher, and mars the propensity of a school. That portion of the school moneys, now apportioned per capita, has a direct tendency to augment this evil; it operates as a sort of premium on absenteeism, by apportioning money for the education of those children who do not become educated because they do not attend school. It is a direct bid for one district to defraud others by overestimates in numbering scholars. It has a tendency to make the large schools

stronger and the small ones weaker. It is a fact shown by the reports of trustees that small districts, almost invariably, keep their schools in session only for the prescribed time of 28 weeks—the least time possible to secure the school money. This is, in a great degree, a consequence of the present scheme of distribution according to average daily attendance, for a high average attendance is more likely to result from short terms than from long ones, and short terms and cheap teachers are the only means by which they can reduce their expenditures sufficiently to hire even a cheap teacher. It operates on the principle that where little is given but little will be required.

If these propositions are sound, then the inequality and injustice of the present scheme of distribution is at once apparent, and justice and prudence would dictate that a more equitable system should be substituted in its stead. I am aware that it is easier to pull down than to build up, and I will, without further exposition, dismiss the subject with this suggestion: I would leave the "district quota" nearly or quite as it now is; I would either appropriate the library quota to the purchase of school apparatus, or withdraw it altogether; and I would apportion all other moneys according to the aggregate attendance of pupils in the schools. By this means, the money apportioned would act as a direct incentive against absenteeism, and would be distributed to those pupils who are actually being educated at the expense of the State.

I have no innovations to suggest in regard to the mode of hiring teachers. Let the law in regard to the qualification of teachers be made so stringent, that none shall find a passport to the schools except those who bear the requisite qualifications, and it matters very little in what mode they are procured, or by what particular officer they are hired.

The normal schools, the teachers' classes in the academies, and the teachers' institute, are the proper and recognized institutions in which teachers are to receive their special training. Each one of these is doing good service in the great cause of popular education, but they are too few in proportion to the great work to be accomplished. The work of the institute, though very valuable as far as it goes, is of necessity meagre in comparison to what is required. The hasty and fragmentary manner of treating the subjects which the instructors are compelled to adopt, very often leave upon the minds of young teachers but flickering images of the real topics discussed, and they not unfrequently misapprehend completely the real object and intention of the instructors. The instructors of the teachers' classes in the academies no doubt are doing all they can to give professional training to the teachers under their charge, but their time is too much engrossed with other subjects to give all the special training necessary to make thorough and efficient teachers. The only source, then, to which we can look for thorough, systematic and complete professional training for the teachers is to the eight normal schools of the State. In my judgment, these schools

are doing a grand and stupendous work for the cause of popular education in the Empire State, and they are contributing much more to its educational interests than all it costs the State to sustain them. I am aware of the adverse criticism that has sprung up in certain quarters concerning these schools, and of the thrusts that have been made at the school system itself. That these schools, however, are producing a better class of teachers, more just and enlightened methods of instruction, and diffusing an educational influence throughout the State, which is more in keeping with other forms of social and industrial progress, no one who has made just observations concerning them can deny. It cannot be contended, however, that these eight normal schools are sufficient to give instruction directly to any large portion of the 31,000 teachers of the State; yet the instruction carried by their graduates and their students to various parts, is thereby made to permeate all communities throughout the State, and their influence is thus felt in all the schools. Could these schools be multiplied, or their labors supplemented by schools of the same kind in all of the counties for a period of say six to ten weeks in each year, an incalculable amount of benefit would result to the progress of education in this State. I believe the views here taken concerning these institutions are in accordance with those of a large majority of the people of this commissioner district.

The qualifications of teachers merits at least a passing notice, and I am compelled to say that the requisite qualifications are too seldom met with in those who propose to devote their time to this calling. While it cannot be expected that any one is perfect, and while there are but very few who approximate very closely to the ideal of a perfect teacher, all who engage in this calling should possess a thorough knowledge of the subjects to be taught. They should be intelligent, virtuous, industrious, and should have a thorough knowledge of the theory and practice of teaching. The successful teacher must be a clear, self-poised, analytical thinker, and he must understand the principles of good government and salutary discipline. He should make himself acquainted with the attributes of the human mind, and should strive on all proper occasions to enlighten his understanding, strengthen his judgment, and widen the range of his mental vision until he shall find himself abounding in resources, and shall exhibit a mind in all its fair and beautiful proportions.

The teacher should, as far as practicable, make himself acquainted with the passions, dispositions and peculiarities of youth, through all the grades of their education, in order that he may manage and instruct his pupils successfully. There are a number of teachers in this commissioner district, both male and female, to whom I can refer with satisfaction, as being an honor to their profession and an ornament to society; who are persons of sound intelligence, moral excellence, practical experience, industrious habits, and of singular devotion to the interests of education.

The success of the schools depends very largely upon good government and salutary discipline, and I believe these characteristics are to be found in a large majority of the schools under my supervision; yet in some of them I have found the government loose and vacillating, and in others injudicious and severe. A very large majority of the teachers of my district are not in favor of corporal punishment; relying with more certainty and with better success upon the almost omnipotent principle of kindness. Let the discipline be firm and the government judicious, and I am of the opinion that those cases are rare which require the infliction of bodily suffering. It need not be stated that every school should be so managed as to give to each pupil a thorough elementary education, and it is principally through the instrumentality of efficient teachers that this object can be attained. It was to aid in this purpose, and to obviate the evils arising from penuriousness and poverty that the school fund was created, and in my judgment it is amply sufficient, with a just distribution for the purpose designed. But if there is much depending upon the kind and quality of the teacher, there is I believe at the same time as much depending upon the interest manifested by the people, and the kind of influence which they exert on the character of the school. It was remarked by Cousin, the celebrated French philosopher and educationist, that "as is the teacher, so is the school," and this may be true in France and Prussia, and other trans atlantic countries, where the schools are so much dependent upon the government and so little upon the people. But in republics like our own, where even the government itself comes from the people, and where everything originates with the people, this dictum is not quite true. The saying that, "as are the parents, so are both teacher and school," would be much more appropriate to the status of the schools of this country at the present day.

The success of our schools imperatively demands that the parents and patrons should exhibit more interest, and concern themselves more generally in the affairs of education than they now do. They should send their children promptly and punctually to school; they should provide comfortable and convenient school-houses; they should see that their children are constantly provided with suitable text-books; they should ungrudgingly pay their teacher for his services, and he should be looked upon by them, and they should teach their children to look upon him, as their friend and benefactor rather than as a menial hireling.

Parents and school officers should manifest their interest in the schools by frequent visits to them, and these visits should be made with the same degree of interest as they would visit their harvest fields or work-shops, or places of business where money is at stake. Nothing would sooner elevate the standard of education than a proper exhibition of interest on the part of the parents and patrons of the schools.

It is enjoined on us as commissioners to suffer none but well

qualified teachers to find their way into the schools; but circumstances of a peculiar and pressing nature sometimes render these injunctions abortive and of little avail. In a few of my schools, I will say one-tenth of the whole number, the trustees will not ask for good and well-trying teachers, simply because they are unable to pay them. It is only by employing cheap teachers, and these for the minimum time required by law to secure the school money, that they can reduce their expenditures sufficiently to hire a teacher at the lowest price. The alternative then remains, a cheap school or no school at all. Perhaps it may be said that commissioners err in giving certificates to teachers of very low grades. If this be so, then I will hazard the opinion that a large portion of the commissioners of the State of New York err in the same manner. It may be stated that trustees do a wrong to their districts in employing teachers of such low grades. Then I will venture the assertion that not a few among our best and most philanthropic citizens would be guilty of the same injustice if placed in the same circumstances. I am of the opinion, and I have acted on the principle, that a cheap school is capable of accomplishing some good, and consequently better than no school at all. Much more might be said upon this subject, but I will hasten to speak of union schools, which is one of the topics about which information is desired by the Department.

The plan of union schools is, in my opinion, a wise one, and it is certainly to be commended on the score of economy, as by this means a given amount of expenditure will accomplish more for the education of pupils, or the same amount of instruction will result for less money. Where two or more schools can unite for this purpose, it can be demonstrated that a given sum of money will educate a greater number of pupils, and procure for them a better quality of instruction, than the same amount distributed to the same number of pupils when composing two or more different schools. There are four union schools in this commissioner district, and all these are doing the very best kind of educational work. One of them is located in the village of Little Falls, and occupies three different school edifices with as many principals, having an academic department with an efficient corps of seventeen assistants. The district numbers over 2,000 pupils. Another is located in the village of Herkimer, having a principal and eight competent assistants, and numbers 654 pupils. There is another in the village of Middleville, town of Fairfield, which numbers 168 pupils, with a principal and two assistants; and there is one located in the village of Newport, town of Newport, having a principal and three assistants, and numbers 265 pupils. Besides these schools, there are several others that employ two, and sometimes three, teachers, and are, in all respects, doing thorough educational work. The Fairfield Seminary, located in the village and town of Fairfield, has, as usual, during the past year, been in a prosperous condition. This ancient seminary still maintains its reputation for good discipline and thorough scholarship, and continues to do a good work for the people of Herkimer county.

Many of the most distinguished men of this State, and of other States, who now occupy important stations of trust and high social positions, have received their education at this institution.

Much interest has been awakened within the past few years in regard to providing comfortable and convenient school edifices, and a number of new buildings have been erected, which speak well for the educational enterprise of the inhabitants. The union free school building, in the village of Herkimer, is a brick edifice, sixty-four feet by seventy-two feet, two stories and an attic in height, with rooms to accommodate four departments, superbly finished, and furnished with all the modern appliances and improvements. The cost of this establishment was \$17,100.

There was completed at Middleville, four years ago, a school building forty feet by sixty feet, two stories in height, with rooms to accommodate two departments. It is well finished, and possesses all the requisites of a well ordered school. The cost of this building and equipments was \$4,520.

The building erected for the union free school in the village of Newport was completed in 1876. It is a large two story wood edifice, forty feet by eighty feet, on the ground, with rooms for three departments, exclusive of a large hall, three recitation rooms, a library room and a cloak room. It is a superb edifice, neatly finished internally, and presents externally all the characteristics of architectural beauty. The cost of this establishment was \$12,000.

Three other school-houses are now in process of erection; one in district No. 6, in the town of Russia; and districts No. 5 and No. 8, in the town of Ohio. The one in Russia is two stories in height, is to consist of two departments, and will, when completed, be every way convenient for a well arranged school. The estimated cost is \$2,000. Several other good and convenient buildings, but of less note, have been erected within the past four years, among which are two in the town of Manheim, one in Ohio and one in Russia, besides several others which have been thoroughly repaired within the past year. In short, the interest manifested in this line of school enterprise is truly gratifying, and speaks volumes for the spirit and enterprise of the inhabitants. Should this reform continue but a few years longer, as I have reason to expect that it may, it will be more difficult to find a poor school-house than it was, a few years ago, to find a good one.

The law in regard to text-books has not accomplished in this county all that the friends of education had a right to expect from it. Its workings in this district have not been very satisfactory. The law was complied with, I think, in all the school districts, so far as passing a resolution to adopt particular kinds of books is concerned. But in many districts where this resolution was passed, but little or no effort was made for their introduction into the schools. In fact, I think the law is defective. It left the adoption of the books to be passed upon by a body of men who are, of all others, least competent to judge of their merits—that is to the voters of school districts. Uniformity of text-books in the schools

is a thing most devoutly to be wished, and I am in favor of a law that shall compel this uniformity, and prevent frequent changes, but give us one which is free from defects and one which is workable.

The law in regard to compulsory education is, I believe, in this district, nearly or quite a dead letter. But little is said or thought about it, and nothing done. It is a question whether the time has arrived when such a law in this State can be made of much avail.

I have made but few alterations in district boundaries, during the past year, but I have been called on several occasions to settle differences among the inhabitants of school districts arising from old and indefinite district boundaries, and have in most cases succeeded, temporarily at least, in making satisfactory adjustments of those differences.

These tentative adjustments, however, can never afford any lasting benefit, and I firmly believe that the sooner the district system is abolished, and the township system substituted therefor, the better it will be for the schools of this State. In the present status of the common school system, there exists no necessity for small, independent school districts, and the best results possible can never be obtained under this plan. Much of the time of the commissioner must be spent in unavailing attempts to settle difficulties arising from the perpetual insecurity of old and indefinite district boundaries.

District feuds, party strife, bickering and turmoil, are the legitimate outgrowth of this plan. Such a change in our school system as would constitute each township a school district would dissipate at once and forever, a score of evils now inseparable from it, and which weigh like the midnight incubus upon its prosperity and success, and render its administration unwieldy, insufficient, expensive, vexatious, and wholly unsatisfactory. Let the township system be adopted, and a better classification of pupils would then be possible, and consequently a wider range of subjects, and greater progress would be the result. It would cause good school-houses to be erected in localities where now they are naught but a nuisance and a "burning shame," while the people cannot build better ones without burdensome taxation. It would enable the children of the poor to attend school where they could be best accommodated, and to have equal advantages with those of the rich. It would secure better teachers for longer terms, with the same or a less expenditure of money, thereby doing away with the fatal necessity of a change of teachers at every term. It would enable townships to establish graded schools where children could receive an education equal to that now acquired at the best academies, while the present necessity of sending children away from home to be educated would be avoided, and they would reap all the advantages which accrue from concentrated effort and a well organized division of labor, while under the immediate care of their parents.

Finally it would afford an opportunity of establishing a more

thorough, universal and complete system of school supervision. All these, and many other advantages would be the legitimate outgrowth of the township system.

It may, perhaps, be considered in bad taste for a commissioner to discuss proprieties or improprieties in regard to the administration and supervision of the schools. Since, however, allusion is made to this subject in your circular which calls for information, a word in relation to it may, perhaps, be pardoned. I believe that no subject connected with the interests of education is so little understood by the masses of the people as that of the importance of having a proper supervision for the public schools. Very few indeed of the masses have any adequate conception of the duties, the herculean labor, the trials and vexations, to which the supervising officer is perpetually subject, even when their own remissness of duty in reference to the schools is the immediate cause. I am well aware that the office of school commissioner is looked upon by some with indifference, and as one of little or no importance, and I am aware that it is actually opposed by others who have some covert ends or intrigues to foster thereby.

It may not be that all who oppose it belong to this class, but I believe that opposition comes mostly from the ignorant and the timid, from political intriguers, from obsequious fawners upon authority, and from time-serving trucklers to the base purposes of officials. With the best efforts of the commissioner in behalf of the schools, and his desire to please by doing his duty, he will meet with contrariety and false accusation which may injure if it cannot overthrow. That some system of public supervision for the schools of this State is necessary to their prosperity and success must be evident to every one who is in the least acquainted with the wants, the requirements and the workings of the schools of the present day. However judicious any system may be in theory, the success of its practical operations can only be made certain, when those operations are graduated by the skill and administrative ability of a supervising agency. The most simple and perfect organization would be likely to prove a failure without the administrative ability, the zeal and singleness of purpose of a supervising official, and with those, even an imperfect and disjointed system might be productive of much good. It is an old maxim that "*whatever is best administered is best,*" and this dictum can hardly be considered as a mere figure of speech when applied in the present instance.

An intelligent and active local, as well as general supervision of the schools of this State, is an indispensable necessity to their just and successful administration, and without it the present organization of the school system itself must eventually give place to one less stringent in its requirements and less complex in its details. Local supervision should be maintained at a sufficient number of points throughout the State, in order to properly ascertain the qualifications of teachers, to test the progress of pupils by examinations, to detect errors in systems of instruction, and to suggest

improvements, and to perform a score of other duties now inseparable from the common school system itself. Of the capacity and zeal in the performance of duty of this class of officials, if I were allowed to speak, it would be my deliberate opinion that they would not suffer in comparison with any other class of servants which the State has created for the administration of its affairs, and that they are returning to the State a value of services worth much more than their meagre compensation. That commissioners may be found who may have been derelict in their duty, I do not care to dispute. But is dereliction of duty, sinecurism, and time-serving, peculiar to the office of school commissioner? Arguments drawn from the *abuse* of any system cannot be admitted against the *use* of that system, and it is as idle to expect impossibilities from this class of officials as from any other. That the supervision of the schools in many of the rural districts is not as thorough and complete as it should be, is undoubtedly true. But the fault is, in general, not with the commissioner, but it consists in assigning to the commissioner more work than it is possible for him to accomplish. It would need no very great skill in arithmetical computation to show that those persons will be doomed to perpetual disappointment, who expect that commissioners will give thorough and minute supervision at all points, in those districts comprising a hundred schools, and in numerous instances many more, when those schools are scattered over a territory varying in extent from 400 to 900 square miles. To demand this, is simply to overstep the limits of human possibility. No man in this age should be expected to work miracles, for the age of miracles is passed; and commissioners, no more than other men, should be expected to accomplish any more than human agency and human industry are capable of. Give them this and no more, and then there may be grounds of complaint if the work is not all accomplished. A proper and sufficient supervision would require that the commissioner should visit each of his schools at least twice in each term, giving one day to each visitation, but under the present organization of commissioner districts it is hardly possible to visit all of the schools in some of these districts, twice during the whole year.

The qualifications of commissioners is a subject which merits a more careful consideration at the hands of the public than it has yet received. His acquirements, as well as his executive ability and moral tendencies, should be put to the test by a most thorough and rigid examination, before he is permitted to undertake the discharge of the important duties of this office. There is no reason why the individual who is to become the guide and counsellor in the educational interests of this great State should not possess all of the requisite qualifications, and there are cogent reasons why this office should be one of appointment, rather than one of election.

But I will leave this topic, and pass to make a single remark on the status of the schools in the rural districts of this country. We

sometimes hear it stated that the country schools have made no advancement during the past 25 or 30 years. That they are no better now than they were before all these "new fangled notions," and all this "machinery of supervisors," had an existence. Such opinions, however, and such declarations, never come from those who have made a careful and candid comparison of the schools of the present day with those of a former period. That these schools have improved and are improving will be evident to all who will make such comparison. That their advancement has not kept pace with the larger, more wealthy, and better organized schools of the cities and villages is undoubtedly true. Their progress has been slow, but it is none the less certain, and the amount and value of the blessings they are disseminating and spreading abroad should not be underestimated nor unduly appreciated. That the rural schools of to-day are far in advance of those of a quarter to a half century ago will be evident to every one who will reflect upon their condition in each of these periods.

There is at the present day a more thorough, enlightened, and better educated class of teachers. A better and more rational system of school government and school economy. The curriculum of the schools has been greatly extended, so as to embrace subjects never taught in the schools of the former period. Schools are better classified and have better and more systematic methods of instruction. It is fairly within the memory of men now occupying the active stage of life, when the doctrine of proportion, or the old "rule of three" was the end of arithmetical investigation. The "cypherer" stopped there, and even the "school master" could not go beyond it. In the rural schools of to-day we find the doctrine of proportion explained, simplified and made familiar to the child of twelve years. And thus it is with other branches. In geography, which is comparatively a modern science, pupils of seven to ten years, through the instrumentality of maps, charts and globes, and the recent art and science of map drawing as now taught in these schools, will answer questions covering such an extent, and with an accuracy so remarkable that it would startle old Strabo or Ptolemy, could they come up from their shades to witness the instrumentalities and modes of teaching now practiced in the modern rural school. Natural philosophy, book-keeping, mercantile transactions, and business forms are now pursued with advantage in many of these schools. I do not mention these facts with any view to vain and empty boasting of modern superiority, but only that they may be credited to the increased facilities, extended knowledge, and better classified instruction found in the country schools of to-day. Much more might be said, not only in relation to this subject but in relation to all of the topics discussed in this report, which I fear has already extended beyond proper limits. In taking a retrospect of the schools, I am encouraged to believe that they are improving, and that their improvement, so far as this commissioner district is concerned, has never been more rapid than during the past year. My records for

this period clearly indicate an awakening in many portions of this community, on the all important subject of juvenile instruction.

I have, as far as in me lies, labored to elevate the standard of education, and to promote the best interests of the schools under my charge, and have devoted all my time and energies for the attainment of these interesting and important results, having had no other occupation. I have sought to awaken a deeper and more general interest in the schools of this district, and from the growing manifestations in this respect, I think I may safely assert that my efforts have not been altogether in vain. The prospects of the future are certainly not devoid of hope.

If those improvements in the school system shall be adopted, of which it so plainly and palpably stands in need, we may look forward to a bright future for the generation that is to succeed us. It was remarked on one occasion by that eminent statesman and most able champion of the common schools, the Hon. Horace Mann, of Massachusetts, that

"The great State of New York, by means of her County Superintendents, State Normal School and otherwise, is carrying forward the work of public education more rapidly than any other State in the union, or any country in the world."

Thirty-five years have elapsed since these words were uttered, and during this period our school system has been the recipient of various and important acquisitions. It has been reinforced by the accession of seven new normal schools; education has been made free to all the children; and other improvements, though less conspicuous in their order, have tended to advance and to strengthen the school system of this great commonwealth.

It is for the Legislature of the Empire State to see to it, that no retrograde movement shall impede this onward progress; for on the prosperity of the schools of this nation reposes its hopes for the present, and its destinies for the future. It is as reasonable to expect liberty and good government among the Esquimaux or the Hottentots as in these United States, when the common people cease to be virtuous and enlightened. Without a sound moral and intellectual education, the functions of self-government can neither be duly appreciated nor successfully maintained.

If, then, a knowledge of the rights and duties of citizenship is to be held in estimation; if the principles of justice and subordination to law are to be maintained inviolate; if sound learning and good morals are held indispensable to happiness, and to the perfection of our nature; if good government, free institutions, liberty and law, are in any degree desirable, then is the cause of popular education thoroughly established.

In conclusion, I will again publicly renew my obligations to the people of my district for their kindness and hospitality, to the teachers and school officers for their cordial co-operation in my efforts to elevate the standard and promote the interests of education, and to

the Department of Public Instruction for the courtesy and favors extended during the past five years.

Respectfully submitted,

J. B. HOLCOMB,
School Commissioner.

NEWPORT, November 8, 1880.

HERKIMER COUNTY — SECOND DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR. — In compliance with your request of July 20th, calling for a written report of the condition of the schools under my supervision, and such suggestions as I deem proper in relation to the school laws of the State, I have the pleasure of submitting the following :

The second commissioner district of Herkimer county is composed of nine towns, eight of which lie south of the Mohawk river, and one, the town of Schuylers, lies north of it. It has within its limits ninety-six schools, the school-houses of which are located in the district, and five joint districts the school houses being located in adjoining counties.

In reviewing the schools of this portion of the county, I deeply regret that I am not able to submit a report showing as rapid progress in our schools, in all respects, as every lover of education would be glad to see, and that I am not able to truthfully state that our schools have already reached that high position, and that they have attained that degree of perfection that we have a right to hope and expect they will. In a time like this, when so much is being said in relation to our common schools, and our schools so grossly misrepresented by many, it is difficult to fix a standard by which to be governed, for the theories and systems of yesterday are too old for to-day, and those of to-day must be modified for to-morrow.

It is true there are many perplexing questions connected with our common schools, but none are more perplexing, none demand greater ingenuity and more immediate attention, than the question relating to the poor condition of a majority of our school-houses. Of the ninety-six school buildings in my district, about one-third are fit for use, while the remaining two-thirds are neither fit nor safe for use. To speak of the apparatus in connection with these school buildings would be simply borrowing a term in common use, for there is very little, if any, of the so-called modern apparatus used in the schools of the rural districts. Perhaps some apology for this condition of affairs might reasonably be made. So short a time has elapsed since

the long and terrible struggle for the maintenance of our common school system against treason and corruption; there has been such a transition from financial prosperity and extravagance to universal depression and stagnation, that trustees and patrons of the schools may be justified in moving cautiously in this as in all other business matters. I am glad that I can say that the people in their return to prosperity are not altogether unmindful of the condition of their schools. The signs of the times already indicate that a great revolution in school matters is about to take place, and steps have already been taken to improve the condition of our school buildings. This manifests itself in many ways, the most noticeable of which is the petitioning of patrons to the proper authorities for the condemnation of their dilapidated buildings, thinking that they will thereby secure suitable buildings at an earlier day. Acting upon the principle that moral suasion is better than force, we have been able, without condemning, to carry on this reform, and we predict that in a few years the people of the second commissioner district of Herkimer county will be blessed with convenient school buildings.

Three of the ninety-six schools of this commissioner district are union schools, being located at Frankfort, Ilion and Mohawk. The school building in the village of Frankfort was erected about four years ago at an expense of eight thousand dollars. It is a beautiful structure, and well calculated for school purposes. At the time of the erection of this building the school numbered less than one hundred pupils. The board of education was fortunate in securing the services of Prof. J. N. Barris, whose faithful discharge of duty has won for him the esteem and confidence of the people, and the school under his supervision has increased in numbers till it now registers nearly three hundred pupils. For the past six years the union school at Ilion has been under the leadership of Prof. A. B. Poland, whose energy and love for educational work has been the means of placing the school foremost among the schools of the county. It now numbers nearly one thousand scholars. Through the combined efforts of the teachers and the board of education the school grounds have, during the past year, been enlarged; this adds very much to the comfort of the pupils. Prof. J. H. Walker has charge of the union school at Mohawk. No higher compliment can be paid this school than to say that the pupils whom Prof. Walker has prepared for the work of teaching, have uniformly sustained a creditable examination. The school at present numbers three hundred scholars.

We have in this commissioner district one academy, located in the village of West Winfield. We regret that we are obliged to say that it has not been prosperous for the past few years, owing, very largely, we think, to the frequent change of principals, and the interest manifested in the surrounding common schools. During the past four years, the school has had no less than four principals. A better time, however, is prophesied for the school, as the building has lately been repaired at an expense of nine hundred dollars, and the services of an experienced and successful teacher have been secured. We believe it would be much better for the interest of

her schools, if West Winfield would unite her academy with the two departments of the district school, and organize a union free school with an academic department.

It has been our custom to hold two public examinations each year; one in the spring, and another in the fall at the close of the institute week. Our classes for examination have uniformly been small, owing, I suppose, to the fact that a large number of our teachers were licensed by my predecessor; some for one year, others for two years, while a few held licenses covering the whole time of my term of office. My examinations have been both written and oral. Seventy per cent. has been required for a third grade license, and seventy-five per cent. for a second grade; the first grade not depending wholly upon an examination, but combining scholarship with power of imparting to and impressing upon the mind of the scholar the principles taught, and the natural adaptation of the teacher to the great work of teaching; therefore I have granted but very few first grade licenses.

During the past year, I have made 212 visits. From what I can see and learn, I am satisfied that the schools are slowly but surely advancing. One great reason why some of our schools do not advance more rapidly, is owing to the fact that, trustees insist upon hiring young teachers, simply because "they are cheap;" experience proves that no more deadly blow can be aimed at our common schools, than to allow "boys" and "girls" of not more than fifteen or sixteen summers to enter our school rooms as teachers. While they may be able to pass an examination, they fail in judgment, and only succeed in lowering the standard of our schools and reducing the wages of efficient teachers. If the State takes upon itself the responsibility of giving to every child a common school education, I believe it should guard our schools from these abuses, by passing a law preventing any person from becoming an applicant for a certificate before he is eighteen years of age.

Of the teachers in my district, I found only one graduate of the normal school, outside of the union schools, while a few had attended some of the normal schools for a number of terms. As a matter of course we get but little help directly from the normal schools of the State, hence it is quite impossible to judge of the effect or quality of the work these schools are doing. I was a little amused as well as considerably pained on entering the school taught by the graduate referred to above. Her manner of conducting the school would have compared well with the customs of twenty-five years ago. When asked why she did not put in practice the method she had learned at the normal school, she said: "The normal school system cannot be carried out in our mixed country schools. Their method was not intended for our common schools, but for our graded schools." Comment on the opinion here expressed is unnecessary.

The institute for 1879 was held in the court house in Herkimer, in September. We were favored with able instructors, Professors E. V. DeGraff and F. P. Lantry. That our instructors were in

earnest and felt a great interest in our teachers and schools, no one can deny. But to say that an institute conducted for one week only, during the year, can be of great practical worth to our teachers and common schools, would be making a statement that is not indorsed by a majority of the active teachers of this commissioner district. Many of the methods suggested by our instructors were good and practical, and evidently were the result of careful study; but to suppose that a teacher could grasp these studied methods in a moment and successfully apply them in the work of teaching, is expecting too much of human nature; for I sincerely believe that a teacher's success depends very largely upon his originality. The institute work is good as far as it goes, but it is too limited. Can we afford to dispense with it? Certainly not without dealing a serious blow to the cause of education. In my opinion, this work would be more effective if our institutes could be conducted by the teachers and commissioners of the county remaining a part of the school system as at present, and the amount of money now apportioned by the State to each county for the support of institutes, together with the library money (for there are no district libraries), be given to create and support a normal association in counties having no normal school, to continue at least six weeks during the year, in sessions of three weeks each. One thing is evident, teachers need common aims and common interests. This can be brought about only through association of ideas and methods. Realizing this need, I started a town association in the spring of 1879, which was continued every alternate Saturday during the summer. The effect was good. It gave new life and energy to many of our schools, and not a few of our teachers were lifted from the old rut and started in the race with keener knowledge of the great responsibility resting upon them.

A little less than a year ago, my worthy colleague, Dr. J. B. Holcomb, a few friends of education and myself, made an attempt to organize a normal institute for the benefit of the teachers of the county, to be continued six weeks during the year. As the expenses of the institute were to be borne by its members, the teachers believed the burden would be greater than they could bear, so we were obliged to abandon the idea, hoping and believing that the time was not far distant when the State would assist in providing for the maintenance of an association of this kind.

Notwithstanding the many improvements so loudly called for by our schools, and the many embarrassments and obstacles that our teachers are obliged to meet, we are proud that we have so many teachers in our common schools that are truly educators, and are giving their best energies to raise the standard of our schools. We believe if the State would listen to the demands of our schools, and modify the law in the three following points, much better results would be realized from the labor of our teachers.

First. The law should be so modified so as to prevent men who

do not patronize our schools and who have no interest in them farther than to hire a "cheap teacher," from controlling our school meetings and electing men to the office of trustee who are ready to become willing servants of the enemies of our schools.

Second. Such a frequent change of teachers should be prevented. The labors of our "born" teachers must be acknowledged, and they should be retained in our schools until the *school* demands a change.

Third. A law compelling a uniformity of text-books.

The present "text-book law" has failed to accomplish this, and has succeeded only in introducing a greater variety. If the two points first referred to are the result of the present trustee system, and I believe they are, the quicker it is abolished, and the township system adopted, the sooner new life and energy will be added to many of our schools that are now literally dead. The last point, it seems to me, is of very great importance. To illustrate the weakness of the present text-book law, and to show how utterly impossible it is for teachers to teach well the sciences they are called upon to present to the scholar, I will recite one case that came under my notice. A short time ago, I entered a school room just as the teacher commenced "hearing his reading classes." For the space of three-quarters of an hour, he called, heard and dismissed five reading classes, and no two classes used the same author. On inquiring how many recitations he was obliged to hear during the day, he said, after a few moments' meditation, "Forty." *Forty* recitations a day in a school of less than thirty scholars! This may be an extreme case, but in no school have I found less than twenty-five recitations per day. Lookers-on may say the teacher is to blame for all this, but when we remember the influences that are brought to bear upon our teachers and schools generally, we cannot with any degree of justice lay this charge at their door. One is more fully convinced that the law needs modifying in these three points, when he compares the condition of our union schools with that of our common schools. The only reason that can be assigned why our union schools are so far in advance of a majority of our common schools is simply because they are graded and the teachers are retained until they can lay a foundation upon which they can rear a structure that shall be an honor to the great profession of teaching. If, then, we would advance the great educational interests of the State, and keep its sacred legacies in safety, let us not turn a deaf ear to the cry that comes up from the heart of every true teacher of the land, asking and begging that the foundation of all civil and religious liberty may be so reformed as to enable them to more perfectly perform the great work God has placed in their hands—the perfecting of His noblest work—the improvement of the mind.

In conclusion, I wish to thank the teachers and patrons of the schools for aiding me in the discharge of my duties, and for their

liberal hospitality. Thanks are due to the Department for its prompt assistance whenever solicited.

Very respectfully,

J. A. GOODIER,

School Commissioner.

CEDAR LAKE, *November 12, 1880.*

JEFFERSON COUNTY — FIRST DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR. — In accordance with your direction, I submit the following report in regard to my official work during the past school year, and the present condition of schools of various grades in this commissioner district.

In this district are 123 schools, employing 137 teachers. Each school, with one exception, I have visited twice during the year, and several I have visited three times. The single exception was a school upon Gallup Island, which could not be easily reached in the winter. The impressions received from these visitations are for the most part favorable. The teachers of the district are working faithfully to reach a higher standard of intellectual attainment, to familiarize themselves with the best methods and with the thoughts and ideas of the best authorities upon educational subjects, and as rapidly as possible to put themselves in condition for doing better work in the schools. They are earnestly seconding the commissioner in his endeavor to improve the schools, and their efforts already begin to show gratifying results.

The village schools are usually well supplied with dictionaries, globes, maps, numeral frames and blackboards, but in many of the country districts the presence of a fair supply of such needed facilities is the exception rather than the rule. Better qualified teachers will, in due time, undoubtedly work a desirable change in this as in other important particulars.

The school-houses in the country districts are, for the most part, furnished with very rude seats and furniture, and are unevenly heated, imperfectly ventilated, and lighted in a very unsatisfactory manner. There is a lamentable lack of intelligence on the part of not only the people, but also the teachers, in regard to what constitutes proper heat, light and ventilation, and how these may be secured. The drainage of school grounds and the proper condition of the outhouses have, in nearly all cases, been almost entirely overlooked. Indeed, it would seem that the physical wants of the children have been wholly ignored. I have called the attention

of the teachers and trustees to these subjects, and, as far as possible, have directed them to proper sources of information. I hope in time to secure such a public sentiment as will work a radical improvement in these vital matters.

With rare exceptions I find the trustees sincerely interested in the success of the schools, usually in advance of their district in their ideas of what constitutes a good school, and in readiness to employ the best means to secure it.

I have, during the past year, held eighteen examinations of one day each, at which 275 candidates presented themselves. Of these, 170 passed the examination, and certificates were issued to them, 118 third grade, thirty-nine second grade, thirteen first grade. The subjects with which the candidates were required to be familiar were arithmetic, grammar, geography, reading, spelling, penmanship, civil government and United States history.

An average of seventy per cent. was required for a third grade certificate, eighty per cent. for a second grade, and ninety per cent. for a first grade, a certain amount of successful experience in teaching being made an additional requisite in the case of the second and first grades. The examinations were chiefly written, and occupied about eight hours each day.

During the year, two very successful institutes have been held in the county — one at Adams, with Professors Kennedy and Lantry, instructors; and one at Clayton, with Professors Kennedy and Johnnot as instructors. The instruction throughout was satisfactory, and the teachers are enthusiastic in their opinions of the excellent instruction and the good done by the institute work. I am glad to say that I can see its practical results in many ways in the better conduct and instruction of the schools, and in the inspiration of the teachers to greater excellence in their profession. More extended instruction of this kind is eagerly desired by many of the teachers; and the trustees, in many cases, whom we have urged to be present upon a certain day of the session, are being aroused to an enthusiastic interest in the attainment of success in their schools through the employment of better teachers and the furnishing of better facilities.

I have, during the year, recommended, as proper pupils for the normal schools, three to Oswego, one to Potsdam, two to Albany. The normal schools, I believe, are doing a much needed work, and are furnished with facilities for giving most thorough and successful professional preparation to those who have the means to enjoy it. I believe, if in every case, candidates for these schools could enter them in possession of the necessary knowledge of required topics of study, so that the instruction of the schools could be confined to professional subjects, a shorter course could be arranged which would be within the means of a far greater number, and thus the excellent instruction which the normal schools are giving in methods, school organization, school government and kindred pro-

fessional topics would in a far greater number of instances reach the common district schools where now it is very seldom found.

In this commissioner district are two well-known academies: Union Academy at Belleville, and Hungerford Collegiate Institute at Adams, both of which are doing very thorough work and afford fine opportunities for teachers to obtain a practical knowledge of the branches which they are called upon to teach. Although no appointments of teachers' classes in the academies were made for the present academic year, the Hungerford Collegiate Institute formed a teachers' class of between thirty and forty, and gave them careful instruction upon methods, school economy and kindred topics. These two academies furnish fully one half the teachers in this district, and are doing a grand educational work for this section of the State.

At my suggestion a district educational association has been organized, which meets quarterly, and is doing much to interest and aid the teachers and trustees in their work. It bids fair to become a very important auxiliary in the formation in this district of a proper public sentiment in regard to educational matters.

In conclusion, I think it desirable:

1. That the school year be 150 days of actual teaching, and that 150 be the constant divisor in determining the average attendance. This would encourage longer terms of school.

2. That all the public moneys, except that for district quotas, be apportioned upon the basis of average attendance. This would make it of pecuniary interest to every taxable inhabitant to keep in school, as long as possible, all children of school age, and would in a measure compensate for the utter failure of the compulsory act.

3. That a uniform system of examination for licensing all the teachers of the State be entered upon, by which a spring and a fall examination be held in every commissioner district, upon questions and under requirements made by the State Department.

4. That the blank forms for annual reports by trustees be simplified and arranged to correspond with the arrangement of blanks in the registers, and that town clerks be required to see that such reports are correct before they are sent to the commissioner. The passage of the report through the town clerk's office would then be an aid rather than a hindrance, as in too many cases at present, and would be of some practical use.

Very respectfully,

ALBERT B. WATKINS,

School Commissioner.

ADAMS, *October 30, 1880.*

JEFFERSON COUNTY—SECOND DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—I respectfully submit the following report of the condition of the schools in my commissioner district.

The territory which constitutes this district lies in the eastern portion of the county, and embraces the towns of Antwerp, Champion, Le Roy, Philadelphia, Rutland, Watertown and Wilna. The surface of the land is hilly, and the rich and productive soil is well adapted to dairy purposes. The farms are consequently large, the pupils in the country few, and the school-houses far between. Black river, which passes through the center of the district, affords water power all along its course, and hence the villages are extensively engaged in manufacturing, and the schools, as is usual in such districts, are crowded.

STATISTICS.

There are within the limits of my jurisdiction 116 school districts, and 110 school-houses in which schools are maintained. These houses, with their yards, occupy 32 acres and 145 rods of land. The school population of the district is 5,318, of whom 3,960 were enrolled on the school registers. The average daily attendance at the schools was 2,175.520, being 54.59 per cent. of the enrollment, an increase over many former years. The average length of time the schools were taught was 30.7 weeks. The average value of school-house property, including lots, as estimated by the trustees, is \$697.94, and the taxable property of the district \$6,561,128.00. One hundred and eighty-five female and 50 male teachers were employed during the year. The amount paid for teachers' wages was \$21,225.76. The highest salary paid to teachers per week was \$20.00, the lowest \$2.25, the average being \$6.26. The total expenditure for school purposes, including new school-houses, was \$29,606.43. The annual cost of tuition of pupils *per capita*, estimated on the basis of total expenditure, was \$7.11. Only 28 districts used the library money for its intended purpose, while 82 applied it for teachers' wages.

In consequence of a prolonged illness from which I suffered last spring, and from the effects of which I was in depressed health during the summer, I have been able to make only 153 school visits during the year. The average length of each visit was two hours. I have held examination classes in each of the above named towns, twice, yearly; have examined 371 teachers, and granted licenses to 237. Of these, 125 received third grade, 100 received second grade, and twelve received first grade certificates.

TEACHERS' EXAMINATIONS.

The rigorous demands in regard to the qualifications of teachers, which were adopted when I entered upon the duties of my office,

and which I mentioned in my former report, have been continued, with, I think, a measurable degree of success.

Teachers are required to undergo an examination in the branches of arithmetic, grammar, geography, reading, spelling, penmanship, United States history, government, the State constitution and methods. The examinations are wholly written, and occupy from six to eight hours respectively. Seventy per cent. of the questions must be correctly answered, in order to entitle the teacher to a third grade certificate. On the same percentage, with successful experience in the school room, a second grade is granted. Those who answer ninety per cent., and have had successful experience under my observation, receive a first grade.

Certificates of commissioners of other counties are not indorsed. My worthy associates of the first and third districts are in hearty accord with me, in the matter of requisite qualifications of teachers, and an interchange of examination questions takes place between us each season. It is our custom to indorse each others' certificates, only when the applicant presents a copy of his standing, at his last examination, in the various branches, dated and signed by the examining commissioner.

These stringent measures are protective alike to worthy teachers, and to the schools. They protect the former from unworthy competition, and guard the latter against incompetency. I am unable to rid myself of the belief that when a person unqualified for the position stands at a teacher's desk and utterly fails in the adequate development of minds that are immortal, and in the correct moulding of characters that are permanent, that the commissioner is responsible for the failure. Feeling the responsibility, I cannot grant licenses upon the recommendations of others, nor certify that "I have duly examined" a teacher when I have not done so; nor certify that "I have found him qualified," when I have found him unqualified. I greatly fear that when in the Great Reporting Day, teachers' licenses are passed under consideration, some commissioners will be strongly inclined to deny their own signatures.

SCHOOL-HOUSES.

With extreme gratification, I am able to report a vastly improved condition in the school buildings of this district since my last report. A large number have been repaired, refurnished and made comfortable and attractive, which before were absolutely uncomfortable and repulsive.

New and graceful buildings have been erected in some districts which are ornaments to the localities in which they stand, and are evidences of the intelligence, enterprise and wisdom of the voters.

Those deserving of especial mention have been erected in the villages of Keenville, Antwerp and Philadelphia, and in districts No. 16 Champion and 7 Philadelphia. These buildings have been constructed in reference to the wisest adjustment of light for the welfare of the eyes of the pupils, and they employ the most approved

modern mode of ventilation, viz. : the admission of pure air from without, heated by means of a jacketed stove or furnace, with the provision of an escape due for foul air, with the orifice at or near the floor.

The necessity of properly ventilated school rooms is being felt to a much greater extent than formerly. When it is appreciated that the most fruitful seeds of diphtheria, scarlet fever, and kindred diseases are sown in the foul air of the school room, it will be acknowledged that the importance of this subject cannot be overestimated. It is a noticeable fact that in those regions, formerly infested to a fatal extent with these scourges, the introduction of thorough school-room ventilation has made an entire change, and an almost absolute freedom from them now prevails.

Externally, most of our school buildings are in fair condition, but in regard to the internal *necessities*, there is a deplorable lack. I refer to the almost entire absence of adequate means whereby to illustrate the lessons of the classes.

This is not a new defect, nor is it peculiar, I imagine, to this district. It prevails almost everywhere, and its prevalence is a standing sarcastic commentary on the boastful spirit manifested in relation to our school system. Our cities and towns build splendid school-houses, and furnish them with elegant desks for the scholars to sit at, and put, perhaps, a few outline maps on the walls, and possibly a few books of reference on the teacher's desk, and then congratulate themselves on the superior equipment of their schools. Such equipment, comparatively speaking, amounts to nothing. The teachers are compelled to violate the order of nature in connection with almost every study, and teach the facts they deal with as abstractions alone, which is the very means to communicate vague and false ideas, because of the want of objects wherewith to illustrate them. I doubt whether in so many as a half-dozen Jefferson county schools there are so much as sets of weights and measures, wherewith to illustrate the denominate tables. Children are taught that four gills make a pint, and three feet make a yard, and yet are never shown a gill measure or a yard stick, whereby to impress upon their minds the practical reality; except where, here and there, an enterprising teacher has more forethought than his employers, and provides some of these assistances for himself. In what we would suppose would be the more ordinary and indispensable utensils of illustration — globes, maps, numerical frames, dividers, etc., there is a deplorable destitution. At what a comparatively slight expense, cabinets of objects to illustrate all the prominent subjects taught in our schools could be procured.

The age is full of croakers, who, on the platform, through the press, and on the street, cease not to proclaim that the public school is a failure, because the pupils do not receive *practical education*.

Practicality in teaching is utterly and absolutely impossible without illustration, and illustration is equally impossible without the provision of objects whereby to illustrate. Let the school boards

and trustees make this provision, and the grounds for the charge of impracticality will be speedily removed. To neglect such provision is utterly at variance with the demands and progress of the age.

TRUSTEES.

The trustees, who are the wardens of the schools of this district, are, as a general thing, the most intelligent and worthy men of their respective communities. Often, however, it occurs that a trustee is elected upon the policy of parsimony, which policy, almost always, is inaugurated by the employment of a cheap teacher. This course acts disastrously upon every true interest of the district, and is a source of constant dissatisfaction to all parties concerned.

I took occasion in my former report to deplore the one trustee custom, and to recommend a return of the districts to three trustees. I hereby renew the recommendation, and am prepared to show that the decline in efficiency in many of our schools can date its commencement at the time the one trustee system was inaugurated. Many districts, I am happy to report, have, since the law permitted them to do so, returned to three trustees, and, as a result, have shown immediate signs of improvement.

COMPULSORY EDUCATION.

The compulsory education law is, in this district, entirely inoperative, and its enforcement, in its present state, seems to be impossible and undesirable. Still there are many idle, truant and incorrigible children who are rapidly becoming confirmed criminals and hopelessly vicious, whose presence among well behaved children in the public schools would be dangerous and intolerable. I heartily indorse the recommendation that the Legislature pass such enactments as may be necessary to establish one or more truant or reform schools in such localities in the State as will meet the convenience of the several communities interested therein.

COURSES OF STUDY.

The aim of our common schools should be two-fold, viz.: the fitting of the children for the high functions of American citizenship, and the furnishing to them the basis of a capital of knowledge which shall make probable their future self-maintenance. The State wisely insists upon the former as the only safeguard against communism, anarchy and ruin. The tax payers have the right to insist upon the latter as a proper return for the expenditure which they are called upon to incur in the support of the schools. Taken together, they form the principal element of greatness and success, for intelligent industry is the highest type of American citizenship.

There are grave doubts in the minds of many observant, thinking men whether our educational courses are reaching this two-fold

aim. It is a fact that a large majority of the children of the public schools, if they obtain a livelihood, must secure it by manual labor. It is also a noticeable fact that the more completely they traverse the courses of study laid down for them, the less inclined they are to enter any of the trades or engage in any manual labor, and are restless and dissatisfied with any thing but a professional or business life. Hence, the professions and clerkships grow more crowded each day, and native born workmen in our shops and factories grow scarcer, while starving lawyers, doctors and book-keepers rapidly increase in numbers.

The cause of this state of things is not that we give too much literary education, but that we give too little industrial. After our boys have sat behind a desk, pen in hand, following out our educational code until they are sixteen years old, we find that they have lost their inclination for manual labor, and prefer to starve on the pittance of a clerk or book-keeper, rather than live on the less exacting but more ennobling remunerative labor of their hands. Advanced literary studies should come later in the course, and in their present place, should be substituted, constructive drawing, and the elements of physical sciences, so far as they can be illustrated by the common things of every day life. Instruction in these branches should be given in our normal schools and teachers' institutes, and the requisite knowledge be thus diffused through the teachers to the schools of the State.

TEACHERS AND TEACHING.

A majority of our teachers are fully alive to the demands and progress of the age, and are conscientiously working to keep abreast of the times. The exploded custom in arithmetic, grammar, geography and history, of assigning scholars, lessons by the page, which for all practical, valuable purposes, might almost as well have been committed to the stomach as to the memory, is rapidly disappearing; and the class instruction which consisted solely of text-book recitations and text-book promptings is being superseded by sound discussion of principles with illustrations of the same.

Teachers are not required to teach in accordance with any prescribed method; but whatever method they adopt, I insist that they labor for the following results:

Teach so as to excite ideas in the minds of pupils. Teach the pupils to come into possession of ideas, in such a way, that the process will train him to think correctly. Require ideas to be stated by the use of the best form of expression. Teach principles and rules in such a way that they will be understood, and give the pupils much practice, applying rules to the solution of all questions which may arise under them. As young pupils gain all their knowledge through their senses, bring the objects of their study before them.

As reading is impossible without the ideas expressed by words are understood, teach by object lessons the meaning of the words in connection with the words themselves. Train the pupils to enun-

ciate and pronounce distinctly ; to read naturally and not mechanically, as is always the case where the sense is neither understood nor expressed.

Teach the first lesson in arithmetic by the use of objects with which to perform the first operations in numbers. Let the pupils construct their own tables in addition, subtraction, multiplication and division by the use of these objects.

Geography is a description of the earth, hence the study should be "of the earth, earthy," and not a description of dots and lines, printed upon a map ; therefore geography must be taught by leading a student to study the earth ; maps and globes are to be used as illustrations of the objects of study. The pupil must be taught to construct maps for himself, and on them locate the relations of countries, towns, rivers and mountains, and then by imagination to transfer these relations to the earth itself ; and in this way to study the earth, and not merely a map.

Grammar is to be taught not by simply committing to memory rules that pupils never learn to apply, but by actual practice in constructing the English language.

Object lessons in color, form, size, etc., are advised ; singing is encouraged, and gymnastics and other sources of relief from weariness are demanded.

The effect of such teaching is marvelous. In such schools, so great is the interest in study, that punishment for insubordination is almost unknown, and the moral nature, as well as the mental, seems to receive a correct culture.

It is not in developing brain power only or chiefly, that the teacher's service is valuable. His influence in forming correct habits of thinking and feeling is where the great value of his service rests. The training to close and accurate observation and investigation, to promptitude, to industry, to acting from high and honorable motives, a true *esprit de corps*, to a correct taste, to a love of humanity, of country, and of God, these are transcendently more important than all the knowledge of the books. We would raise our ideal standard of the teacher, and then try to bring him up to our standard.

I desire to renew the expression of my opinion, that the school year should commence on the 1st of August, and that a compulsory act should be passed in regard to the attendance of teachers at teachers' institutes, and should be glad of opportunity to give my reasons for the same, but I already need to apologize for the immoderate length of this report.

In conclusion, permit me to return my thanks to the citizens generally, and particularly to the school officers of this district, for their many acts of hospitality and kindness, and to the Department for many favors and much information.

Respectfully submitted,

AMBROSE E. SAWYER,

School Commissioner.

CARTHAGE, December 7, 1880.

JEFFERSON COUNTY — THIRD DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR. — I respectfully submit the following, in addition to the financial and statistical reports already forwarded to the Department.

The condition of the schools in this district is varied. The majority are prosperous, while others, owing to inequality of taxation and weakness in point of numbers, are struggling for an existence. The remedy is consolidation, and it will soon have to be applied.

Many of the school buildings are unfit to be occupied for educational purposes. There is, however, a disposition for improvement in this direction, and, while some will repair, I hope to be able to report next year that at least four new school-houses have been built.

District No. 4, Lyme, has erected, during the past summer, a commodious building, which will cost, when completed, \$5,000.

One district, No. 8, Orleans, has no school-house and has not sustained a school for several years past. It is located on Wells' island, in the St. Lawrence river, and contains but few inhabitants. I have assurances that they intend to build a house and reorganize a school.

Of the whole number of teachers employed the past year, seven were normal school graduates, six were licensed by State Superintendent, and the remainder by the commissioner.

At the first meeting of the present commissioners of the county, it was resolved to make the examinations uniform as far as practicable. To that end questions are interchanged, and correct answers to seventy per cent. of the questions demanded for a third grade license, and for second and first grade licenses a higher percentage and a successful experience in the school room. The examination questions are either printed or polygraphed, and extend over the entire range of common school studies.

For the last school year, I examined 269 applicants, and granted 166 licenses, 12 of which were first grade, 51 second grade, and 103 third grade. I concede that I have granted licenses to incompetent persons. There is no unerring mode of examination. The true test of the teacher is in actual school-room work.

It would be a relief to weak-kneed school commissioners, and an advance step in the interest of common school education, if the questions to test the qualifications of applicants for licenses came from the Department. It would give a uniformity throughout the State, and, in the end, an educated corps of teachers who could and would make teaching a business.

Teachers' institutes, as at present conducted, are good as far as they go. Two were held in this county the past year, and both were largely attended, and their influence is and will be felt. But the teachers need something more than methods; they need practical drill in the actual work of teaching. County normal institutes should be established, for six or eight weeks in each year, to train teachers for the country district schools.

The normal schools are doing a grand work, but, as yet, the rural districts have not materially felt their influence.

The compulsory act is disregarded, very few of the trustees reporting in relation to it. The law should be amended or repealed.

The text-book law has failed of its purpose. At the time it went into operation nearly one-half of the districts voted a change. Families are changing their homes, and the school books go with them. The result is confusion.

The district libraries are not used nor cared for. The appropriations made for them are in the main used in payment of teachers' wages.

Among the things that retard the progress of our schools is the frequent change of teachers. This evil can be abated, I believe, by closing the school year on the 30th of June instead of the 30th of September; holding the annual meetings in July; having the schools open early in September, and continue, with a vacation of two weeks during the holidays and a week in the spring, to the close.

The summer schools, in the months of July and August, are entire failures.

The past year, I made 173 school visits, and the impressions that I received led me to believe that we are slowly but gradually improving in every thing that pertains to common school education.

For statistics relating to the district, you are referred to my statistical report.

I am a firm advocate of a government "of the people, by the people and for the people;" yet, I am constrained to say that our schools will never reach that stage of advancement hoped for under the present trustee system.

Thanking the Department for favors received,

I am, very respectfully,

GEO. W. LINGENFELTER,

School Commissioner.

LA FARGEVILLE, November 15, 1880.

KINGS COUNTY — RURAL DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR. — Your circular letter of July 20th, directing a written report, is received. I observe that you desire the report shall show, among other things, the following:

1. The work accomplished during the past year as school commissioner in the district, number of schools visited, and a general report of the impressions received as consequence of those visitations; the number of teachers licensed; the methods pursued in

examining and licensing teachers, and suggestions concerning the operations of the school laws of the State, especially in the matter of the apportionment of the public moneys; the alterations of school district boundaries; the settlement of local and neighborhood difficulties arising in school districts, out of school affairs, and the methods of the employment of teachers.

2. The effect of the institutes held in the county, and the public sentiment concerning them. How the normal schools are regarded, and whether, in my judgment, they are accomplishing the work designed by the Legislature when they were established.

3. My observations as to the manner of work accomplished by academies and private schools in the district, together with such other matter relative to the cause of education as my observation and experience may suggest. In response, I respectfully submit the following:

EDUCATIONAL WORK PERFORMED.

On the first day of January, 1871, I entered upon the duties of school commissioner. I had passed over twenty years in teaching in the public schools of this State, and I could but feel that the office of school commissioner was one of great responsibility, and it has been my earnest desire faithfully and fully to meet that responsibility. Acting under a firm conviction of justice to all, yet I do not claim to be free from error. I have given my entire time to visiting schools, and to the work generally, and have labored earnestly and faithfully to encourage the youth to more earnest efforts in the matter of education. During the past year, I made two, and in many cases three visits to all the schools under my jurisdiction. With few exceptions, a half day was spent in each. In some of the union schools a whole day was spent in examining the various departments. My principal efforts in the school-rooms have been directed to *classification* and *methods of instruction*. I have endeavored to induce teachers, to the full extent of my ability, to become thinking, progressive teachers, and as a means to this end, to take and read regularly some large educational journal, and to procure books for study bearing directly upon their work, in and out of the school room; the trustees to procure school apparatus charts, globes, etc., that the teachers might be enabled to make better and more lasting impressions upon their pupils.

WORK DONE BY OTHER AGENCIES.

Among the recognized educational agencies, the normal school stands one of the first. A special preparation is needed to fit teachers for their profession, so that the greatest results may be attained with the least expenditure of time. Teachers should avail themselves of the liberal advantages afforded by these schools. The influence of the normal schools is not so strongly felt in this, as in some other counties, owing, no doubt, to their distant location. We should be pleased to see some effort put forth during the next

session of the Legislature toward locating one in Kings or Queens county.

Teachers' institutes have touched and quickened the very springs of education. The institute for this county was held at Flatbush, commencing May 10, and continuing one week, Professors John Kennedy and Charles T. Pooler conducting the exercises. I cannot speak too highly of these faithful instructors. Much interest was manifested, and the improved methods of instruction were clearly developed and thoroughly impressed upon the minds of those present. I consider that teachers' institutes have done excellent work in this commissioner district in awakening new interest in teachers and citizens, and imparting instruction to aid teachers to do better work in their schools. Trustees in districts where teachers were required to attend have assured me that their teaching was thereby materially improved. I have myself observed very marked exhibits of their worth in improving methods of instruction. In my opinion, the good resulting from institutes held in this county fully justifies the expenditure, and confirms the wisdom of the State in providing for them.

SCHOOL LAWS.

The present compulsory enactment receives but little attention from school officers. It is very generally considered that this law is unnecessary in rural districts. If its provisions were enforced in villages and in manufacturing districts, I doubt not but that the attendance would be increased fully one-half. But *how* to enforce them seems to be the question.

The text-book law is far from satisfactory. Not that the law is an unjust one, but on account of the inability on the part of the people to carry it out wisely. Town uniformity would be more practicable.

Of the operations of the law of 1878, appointing a separate day from that of the annual meeting for the election of trustees, in certain districts, meets with some favor in this commissioner district. I think, however, it would be better to hold the election in the evening, as it would be more convenient for the working classes.

TEACHERS.

The number of licensed teachers employed and teaching at the same time for twenty-eight weeks or more was 72. The number receiving license from the State Superintendent was 9. I granted to 7, certificates of the third grade; to 25, the second grade; and to 21, the first grade. I have as far as practicable adopted a uniform standard in the examination of teachers. To obtain a certificate of the third grade, the applicant must pass seventy-five per cent. of all the studies taught in common schools, eighty-five per cent. to entitle him to a second grade. First grades are granted only to those who are known, from personal

observations in the school room, to possess *ability* to teach, as well as a thorough knowledge of the branches taught.

My observation and experience lead me to the following conclusions:

Examinations of teachers should be uniform throughout the State, and regulated by the Superintendent of Public Instruction. Certificates should be of three grades, denominated State, county and town certificates. State certificates granted as now prescribed by law. County certificates granted by a board of examiners, consisting of the commissioners of the county, with two additional members appointed by said commissioners. Examinations to be held annually. Questions to be furnished by the State Superintendent of Public Instruction. Town certificates to be granted by the commissioner having jurisdiction in the town where the application is made.

Teachers should be obliged by law to attend teachers' institutes. Most of the teachers in this commissioner district have proved themselves competent for their work, and their honest endeavors to perform their duties are noticeable.

PARENTS AND GUARDIANS.

Our teachers must have the co-operation of parents and guardians, or the money we are pouring out so ungrudgingly is lost, and even worse than lost. Very many send their children to school and seldom or never see the instructor, who is operating daily and deeply on their minds and characters. The presence of parents in the school room will do much to encourage both teachers and pupils, and will show to them an interest in the great work in which they are engaged. The teacher's position is an arduous and important one; there is none higher or nobler than the training of the human mind.

Parents, you have received these children from the Almighty; at your hands He will require them again with an account of your stewardship. See to it, then, that they are educated, but do not leave their education too much with the schoolmaster. You should co-operate with him, unite your labors with his, and ascertain the influence of the teacher and the influence of the school upon the child, remembering that—

"A pebble in the streamlet scant,
Has changed the course of many a river;
A dew-drop on the slender plant,
Has warped the giant oak forever!"

OBSTACLES.

In previous reports to the Department I have spoken of the vast discrepancy in the taxation imposed for school purposes in the various districts. Some legislation should be devised to equalize the burden. In my opinion, the most practical solution of the difficulty would be to place all the districts of a town under the management

of one board of education, with power to levy a direct tax upon the whole town for all school purposes. It would admit of having at least one good school in each town, to which all scholars of a higher or advanced grade could have access. It would end disputes about district boundaries, each child going to that school which is most convenient and beneficial.

I consider the present system of employing teachers by trustees to be incompatible with the best interest of our schools. I would have them employed by the men who examine them, and examined before they are employed.

All difficulties arising in school districts, out of school affairs, should, in all cases, be brought before the school commissioner for a hearing. In this way, more direct and better evidence could be obtained. His decision subject, of course, to an appeal, to the State Superintendent.

The money now apportioned for library purposes, with a like amount raised by district tax, should be expended in purchasing text-books, to be used by those attending school.

The cost of school books being so great, the purchase of them is a heavy tax upon the poorer class, many of whom have large families to provide for. Union free school district No. 2, town of New Lots, to make her schools more free, has adopted the plan of furnishing books free to all the scholars, not as a gift, but as a loan for use, to be returned to the proper authority at the close of the term, to be re-issued at the commencement of a subsequent term.

FINANCIAL AND STATISTICAL.

The following is an exhibit of the most important financial and statistical items contained in my abstract of trustees' reports, for the school year ending September 30, 1880.

Receipts.

Amount on hand October 1, 1879	\$22, 402 49
Apportioned from State.....	14, 588 96
Raised by tax.....	41, 910 24
Other sources.....	8, 754 10
Total.....	<u>\$87, 655 79</u>

Payments.

For teachers' wages.....	\$37, 282 59
For libraries.....	253 03
For school apparatus.....	757 10
For colored schools.....	473 70
For school-houses, sites, etc.....	12, 500 78
For incidental expenses.....	13, 886 95
Amount on hand September 30, 1880	22, 496 64
Total.....	<u>\$87, 655 79</u>

Statistical.

Number of licensed teachers.....	72
Number of children of school age.....	9, 801
Number of private schools.....	10
Number of weeks of school.....	784
Number of children attending school	4, 943
Average attendance.....	2, 640
Number of inspections by commissioner.....	52
Number of volumes in libraries.....	7, 452

Value of school-house sites.....	\$25, 680 00
Value of school-houses and sites.....	125, 280 00
Value of libraries.....	4, 511 00
Assessed valuation of property.....	11, 781, 381 00

Institute.

	Males.	Females.	Total.
Number of teachers in attendance.....	20	57	77
Attendance in days.....	90	282	372
Average daily attendance.....	18	55	73
Number of terms teachers have taught.....	638	492	1130
Average number of terms.....	31	8	39

CONCLUSION.

In reviewing our schools for the past year, we feel warranted in saying that all of them have been profitable. We are aware that many will find fault with our labors, and some criticise our remarks; but we submit our proceedings to the inspection of those for whom we have labored, in the firm consciousness of having honestly and earnestly endeavored to do our duty.

With thanks to the Department for the many favors received and the courtesy extended to me at all times,

I am, very truly yours,

C. WARREN HAMILTON,

School Commissioner.

NEW LOTS, November 12, 1880.

LEWIS COUNTY — FIRST DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In compliance with your circular of July 20, 1880, I respectfully report as follows:

I have made 198 visits to schools in this district during the past year.

There is a great diversity of advancement in the schools, and they are not, as a whole, doing what they ought, but I believe there is a tendency for the better, an improvement in methods and results, which, though slow and sometimes intermittent, is noticeable, and that there is an increasing desire on the part of teachers to improve in their work.

During the past year, I have licensed 166 teachers—23 of the first grade, 52 of the second and 91 of the third. My method of examination is by requiring written answers to printed questions which are intended to ascertain, as far as possible, the extent and thoroughness of the applicant's qualifications. This method seems more satisfactory than one requiring mere oral answers, as it tests the applicant's knowledge of spelling and grammar, and furnishes a record of the examination for future reference.

As to the difficulties arising from school matters, which are a constant source of annoyance to the commissioner, one finds that such matters are often only the excuse or occasion for difficulties arising from other causes. Giving the settlement of such difficulties to the Department of Public Instruction is a wise provision of law; for while it increases the labor of the Department, it prevents litigation, the decisions are more readily acquiesced in, and peace comes more speedily than it would after a wrangle in a court of justice.

The principal difficulties in the practical working of the school laws arise from want of interest on the part of inhabitants and school district officers, in the welfare and quality of the schools. This indifference is the greatest obstacle met with in the attempt to give those who should receive them the educational advantages provided by the State. This indifference of officers and people is a fruitful source of the indiscriminate fault finding about teachers, so common in many districts. The fault lies rather with those who encourage the employment of incompetent teachers, by inducing young persons to teach school at such rate of wages as drives into other occupations those who are capable of wisely conducting a district school. Any diffusion of intelligence among the people would tend to simplify and aid the work of supervision and improve the whole tone and character of their schools.

The influence of the State normal schools, so far as their pupils have taught in this district, has always been good. In the few, some ten or twelve instances where normal graduates or pupils have been employed under my supervision, the methods of teaching have been superior to, and the results reached more satisfactory than in other cases; and the same may be said of the influence of teachers' institutes.

The teaching in these institutes is pre-eminently practical, and while the benefit derived, of course, depends much upon the individual character and capacity of the person, teachers who attend

regularly do not fail to incorporate much of the instruction there obtained, in their daily work.

Advancement is made little by little, but every impulse or help in the right direction is a benefit to the State, and should be encouraged.

Very respectfully yours,

B. S. HOUGH,

School Commissioner.

WEST LEYDEN, *December 15, 1880.*

LEWIS COUNTY—SECOND DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—I respectfully submit the following report of the condition of the schools of this commissioner district.

The district comprises nine towns — Croghan, Denmark, Diana, Harrisburgh, Lowville, Montague, New Bremen, Pinckney and Watson. It contains 108 school districts, having school-houses in this commissioner district, and 10 joint districts with school-houses in adjoining counties. The school population of this district is 5,975, of whom 4,119 were enrolled, with an average attendance of 50 per cent. enrollment.

The academies at Lowville and Copenhagen are supplied with efficient teachers, sufficient apparatus, and are well patronized.

The Lewis county institute is held at Martinsburgh, each year, usually in September. As most of the teachers attend these institutes, and but few attend normal schools, the instruction given by the able instructors, Lantry, DeGraff, Northam, Pooler, Johonnot and Barnes, is far-reaching, extending into nearly every school, while the normal methods are known to but few.

During the time I have had charge of this district there have been 13 new school-houses built, and 11 thoroughly repaired. I have made 202 visitations at the schools in this district, during the past year; have held teachers' examinations in six of the towns twice each year, except when sickness prevented; have endeavored to discharge the various and complicated duties pertaining to the office to the best of my ability, and am indebted to the people in general, school officers, teachers and the Department, for the many kindnesses extended and wise counsel received.

Your obedient servant,

J. A. HARVEY,

School Commissioner.

WATSON, *December 27, 1880.*

LIVINGSTON COUNTY—FIRST DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—In obedience to your order, I would respectfully submit, in addition to my financial and statistical reports heretofore made and forwarded to your Department, the following statement of matters pertaining to the schools under my supervision.

This commissioner district is composed of nine towns, embracing within its limits 90 districts having school-houses in this county, and six joint districts having school-houses in other counties. There are 81 frame, 6 brick and 3 stone school-houses, valued with their sites at \$89,465. Average valuation of each school-house and site about \$994.

The assessed valuation of taxable property is about \$14,805,655, which would make the average valuation of taxable property of each district about \$175,638. From these figures it will be seen that there is in this district about \$1 of school property to every \$176 of taxable property.

A majority of the school-houses are in good repair, but there were a few old and uncomfortable buildings, some of which have been repaired, while other districts are preparing to build or repair in the spring.

Of the 90 school districts, 87 are common ; one of the 87, No. 5, Caledonia, is graded equal to some of our best union schools, and several others deserve special mention, but space forbids. No. 5, Genesco, is the oldest union school in the district; but since the Geneseo normal school was established, the number of teachers has been reduced to two. The trustees report 624 children, and only 151 who have attended school some portion of the school year.

No. 5, Avon, union, and No. 9, Livonia, union, are both doing thorough and complete work. The latter has an academic department, and the trustees of the former are taking measures to organize one. The school districts having school-houses in this county require 111 teachers when all the schools are in session. The whole number of teachers employed some portion of the year, was males 45, females 139; total 184. Of these, 145 were licensed by a school commissioner, 7 by the State Superintendent, and 22 were graduates of the normal school.

The number of children of school age residing in the district September 30, 1880, was 6,839. The whole number of pupils that attended the public schools in this district, during the year, was 4,574.

The whole number of days' attendance at the district schools was 428,962. Average daily attendance was 2,457.302 showing a decrease of 80,215 from last year. This decrease in attendance is due to the measles which prevailed in the winter season in different parts

of the district, so that many large schools were reduced to a small attendance for weeks, and others were compelled to close for some time. Seventy-eight districts have but one trustee, 8 three, 1 two, and the three union districts a board of 9 each.

The following is an exhibit of the receipts and expenditures during the year:

RECEIPTS.

Cash balance on hand October 1, 1879.	\$1, 709 36
State apportionment.	13, 849 48
From non-resident pupils.	412 23
Teachers' board.	377 65
Raised by tax.	17, 540 51
Total.	<u>\$33, 889 23</u>

EXPENDITURES.

Teachers' wages.	\$26, 505 17
Libraries.	60 10
School apparatus.	129 72
For school-houses and repairs.	2, 412 33
Incidental expenses.	3, 416 18
Amount on hand September 30, 1880.	1, 365 73
Total.	<u>\$33, 889 23</u>

From these figures it will be seen that the total cost of maintaining the schools of the district for the year, was \$32,523.50.

Average cost per school, about \$360.60. Average cost per teacher, about \$293. Average cost per pupil, according to the number who have attended school some portion of the year, about \$7.10. Average cost per pupil, according to the average daily attendance, about \$13.25.

Of the 90 school districts, 45 have book-cases for their libraries, such as they are, and 45 have none. Thirty districts have 2,869 volumes, valued at the sum of \$1,748; 60 have no library whatever.

From these facts it will be seen that the district libraries are not well kept; neither are they well cared for, judging from the appearances of the libraries themselves, the little interest manifested by the school officers and the inhabitants in replenishing them, and the further fact that about all the library money apportioned to the districts is used for the payment of teachers' wages. It would seem, therefore, to be of little use to apportion from the school moneys a separate fund for library purposes; but it would seem as though the whole of the school fund set apart by the State might as well be set apart for the payment of teachers' wages, unless a larger apportion-

ment is made for the libraries, and a law passed by the Legislature making it obligatory on the school officers to have the library well cared for, and the money apportioned used for the advancement of the same.

But nineteen pupils have attended school some portion of the school year who were under five years of age.

Our institute was held at Mt. Morris, commencing November 18th, and continued one week. Notwithstanding the unfavorable weather at the beginning, the institute was well attended, and the interest kept up in the exercises to the close. Professors Lantry and Northam conducted the exercises in a very interesting and instructive manner. The whole number of teachers registered, males 53, females 109; total 162. Average number of terms taught by all of the teachers registered and in attendance, $7\frac{1}{3}$.

The Genesee Wesleyan Seminary, located at Lima, is a well-known institution, and under the superior management of the present principal, Rev. Geo. H. Bridgeman, is meeting with deserved success. The whole number of pupils in attendance during the year ending in June, 1880, 338. A teachers class was instructed during the fall term, and \$224 was appropriated by the Regents for its maintenance; 18 students took advantage of the instruction, and nine of them have since taught. The yearly cost of maintaining the school is about \$6,000.

Last winter I visited all the schools in my commissioner district, with the exception of two, which closed before I reached them. In the summer I visited all the schools except one. In all, I have made 206 official visits during the year ending September 30, 1880, varying in length from one hour to one day.

The power of the school commissioner over the organization of the school and methods of the teacher is limited to giving advice; and advice, for practical purposes, is not equal to authority.

I find many live teachers who are doing good and thorough work. I also find a few who have mistaken their calling, and of the latter class I am glad to say that they are growing less. But taken as a whole our district can boast of an energetic corps of teachers that is striving hard to bring to light the latest gems of free education.

In some districts my name is the only one registered as a visitor.

During the season, in my visits to the schools, I made it a point to urge upon teachers the necessity of attending the institute, and it is certainly gratifying to know that many of them were present. The most successful teachers have, when it was possible for them to do so, been present at our institutes. A majority of the citizens look upon the institute as a necessity, and want their teachers to attend, but object to their doing so at the expense of the tax payers.

During the interval between November 1, 1879, and November 8, 1880, I have held ten public examinations, but, in many instances, I find that teachers prefer a private to a public examina-

tion. In the time before mentioned, I have examined 224 applicants for teachers' certificates, with the following result:

The whole number of licenses granted of the first grade was..	39
The whole number of licenses granted of the second grade was	106
The whole number of licenses granted of the third grade was	39
Total number of licenses granted	184

These figures show that about 19.7 per cent. failed to pass the required examination.

In some instances, I gave the applicant a higher grade, and, in some instances, a lower grade than he or she had received from other commissioners. I have confined the grade and granting of certificates somewhat to the work done by the teacher in the school room.

The following are the questions I used at my last examination:

ALGEBRA.

1. Define the terms co-efficient, exponent.
2. Show that the product of two minus quantities is plus.
3. What is an equation?
4. Define an axiom.
5. Name the axioms.
6. Find the 5th power of the binomial $a - b$.
7. A person being asked how much money he had, said if the number of dollars be squared and 6 be added, the sum will be 42. How much had he?
8. A person being asked his age said, if from the square of my age you take 192, the remainder will be the square of half my age. What was his age?

ARITHMETIC.

1. How would you present beginning numbers to a child?
2. Explain your method of teaching addition.
3. What is the product of the least common multiple of the nine digits multiplied by their greatest common divisors?
4. Explain your method of teaching beginning of fractions.
5. Explain your method of dividing a fraction by a fraction.
6. A produce dealer bought 2,000 lbs. of wheat at one time, 1,750 lbs. at another, at the rate of $\$1\frac{27}{100}$ per bushel. He sold the whole for $\$1\frac{1}{2}$ per bushel, and wishes to invest the whole amount received for the wheat in barley at $\$2\frac{1}{4}$ per bushel. How many bushels of barley can be purchased?
7. Reduce 34 rods to the decimal of an acre.
8. Reduce $22\frac{1}{2}$, $\frac{1}{15}$ to decimals and express the result in figures and words.

9. Change 20 lbs. avoirdupois to troy weight and write explanation.

10. What part of a cord of wood is a pile $7\frac{1}{2}$ feet long, 2 feet high and $3\frac{1}{4}$ feet wide?

11. Divide 83 lbs. 13 oz. 11 drs., by 5.

12. Buffalo is 78 deg. 55 min. west and Rome is 20 deg. 30 min. east longitude. What is the difference in time and which has the earlier time?

13. What is 2 per cent. of any number?

14. Sold two horses for \$100 each. On the first I gained ten per cent., and on the latter I lost ten per cent. Did I gain or lose by the transaction, and how much?

15. I received \$40.80 for selling grain at a commission of 8 per cent. What was the value of the grain sold?

16. How long must \$325.41 be on interest to amount to \$761.44 at ten per cent?

17. Write an interest bearing negotiable note of \$100.25 running 1 year, 3 months and 14 days, dated at present place and time, from Henry Harris to Thomas Newton, and find amount of the note at maturity.

18. Write an order on M. M. Campbell, trustee of district No. 5, Caledonia, in favor of Mrs. C. A. Cummings for \$100.

19. Explain the difference between interest and bank discount.

20. Explain the process of making out a tax roll.

21. Three men hire a pasture for \$55.50. A puts in 5 cows 12 weeks; B 4 cows 10 weeks, and C 6 cows 8 weeks. How much ought each to pay?

22. A borrows \$12 00 and keeps it 2 years, 5 months and 5 days. What sum should he lend for 1 year and 8 months to balance the favor?

23. What is the square root of 12.482?

24. A tree 150 feet high, standing upon the bank of a stream, was broken off 125 feet from the top, and falling across the stream the top just reached the other shore. What was the width of the stream?

25. If a cubical bin 8 feet long will hold 411.42 bushels, what must be the dimensions of a similar bin that will hold 1,000 bushels?

GEOGRAPHY.

1. Explain your method of instructing a class of beginners in geography.

2. Name all the counties in this State, west of the Genesee river.

3. Why are the tropics placed $23\frac{1}{2}$ degrees each side of the equator?

4. What important city near the center of the United States?

5. What rivers of New York flow into Lake Ontario?

6. What is the area of New York State?

7. Describe the Gulf streams.

8. What two large rivers form the La Plata?

9. Bound Spain.
10. Name and describe the largest river in Europe.
11. How many cities in the State of New York?
12. About what is the population of the State of New York?
13. About what is the population of the United States?
14. Over what waters would you pass in sailing from Chicago to Canton?
15. When it is noon here, what time is it at all places directly north and south of here?
16. Which is the greater, a degree of latitude or longitude at the equator, and why?
17. Define latitude; longitude.
18. What country of South America has no sea coast?
19. What country of Asia is separated from Africa by the Red Sea?
20. In what counties are Watkins, Waterloo, Poughkeepsie and Lockport?

GRAMMAR.

1. What should one possess before he attempts to give utterance?
2. What would you seek to cultivate in a pupil as first in the order of language?
3. Name, in the order of nature, the different ways of communicating thought.
4. Do you consider the ability to speak *extempore* desirable. If so, how would you cultivate it in the pupil?
5. What is the true test of a pupil's understanding of an article read?
6. Give your method of testing the same.
7. What is essential to a correct use of language?
8. Define grammar.
9. Is it possible to speak or write well, without an accurate knowledge of grammar?
10. What uses does grammar serve?
11. Give a summary of the process to speak and write accurately and fluently, giving original thoughts if you have any.
12. Write an article, punctuating and capitalizing properly, about your attendance at the institute, giving special benefits received, if any, and your opinion of the value of institutes as now conducted. Be assured your article will be read by no one but the school commissioner.
13. The same of school commissioners' visits to schools.
The State Superintendent asks the commissioners the above questions. They need your evidence in answering them correctly. Honest opinions will be respected.
14. What parts of speech admit of comparison?
15. Give examples of different ways of comparison.
16. Give examples of different ways of forming plural of nouns.
17. The same of possessive of nouns.

18. Give synopsis of the verb work, third person, singular, active voice.

19. The same, progressive form.

20. The same, passive voice.

21. Correct the following expressions, if incorrect, and give reasons: (a) I have broke my slate. (b) I had ought to go. (c) I must lay down. (d) A sitting hen. (e) I saw a man drinking wine with a Roman nose.

22. Analyze according to some familiar plan, or diagram, the last sentence.

23. The same, the following: A kid, standing on the roof of a house, railed at a wolf passing by. To him the wolf replied, "Not you, but the roof rails at me." Often time and place make timid men bold.

ORTHOGRAPHY.

1. Define orthography.

2. What is a letter?

3. How many letters in the English language?

4. How many sounds do these letters represent?

5. How are they divided?

6. Indicate these sounds by means of characters which are used in Webster's Dictionary, printing the letters in small Roman characters.

7. What is a syllable?

8. What is a word?

9. What is a word of one syllable?

10. What is a word of four or more syllables called?

11. What is a *primitive* word?

12. What is a *derivative* word?

13. What is a *simple* word?

14. What is a *compound* word?

15. What is accent, and how indicated?

16. Give an example.

17. What is orthoepy?

18. What is emphasis; how indicated in script, and how would these words be printed?

19. What is elocution?

PHYSIOLOGY.

1. Explain the bone system of the human body, and its use.

2. How are the extremities of movable bones united?

3. What exists between these extremities?

4. What use do they serve?

5. What purpose do bones in the joints serve?

6. Of what is bone principally composed?

7. Explain the muscular system and its use?

8. How are they attached to the bones?

9. Explain their operation.
10. Of what is the circulatory system composed?
11. What is constantly going on in the body?
12. Explain the use and operation of the heart.
13. Explain the use and operation of the lungs.
14. Give an outline of the nervous system.
15. Where is the seat of sensation and nervous energy?
16. By what are all the operations of the human system controlled?
17. Explain the operation of the will on the body.
18. What is necessary to the healthful condition of the body?
19. To a healthful condition of the mind?
20. Give in the order of their importance the elements essential to life.
21. Of what kind of food should persons living in cold climates and those working in the open air, partake?
22. Intellectual workers?
23. Persons of sedentary habits?
24. Explain the process of digestion.
25. Name the vital organs.
26. Is the skin a vital organ?
27. Name the senses.
28. Explain the process of digestion and nutrition.
29. Give some general rules for health applicable not only to general life, but to the school room and teacher.

SCHOOL LAW.

1. Is a verbal contract of trustees and teachers valid?
2. On what must you rely in such contracts?
3. What would you advise in such transactions?
4. What is the school law, if not specified in the contract, in relation to teachers serving (a) as janitors, (b) taking holidays, (c) taking time without consent of trustee, (d) enforcing order, (e) institutes?

SCHOOL MANAGEMENT AND METHODS.

1. Describe your plan of organizing a school.
2. How would you seek to overcome multiplicity of classes?
3. Do you write out a program of school work and post it in a conspicuous place in the school room?
4. Do you think it necessary?
5. What is the first essential principle in school government?
6. How would you seek to secure order?
7. Name some of the principal objects you strive to attain in school work.
8. Mention some principles of teaching.

UNITED STATES HISTORY AND CIVIL GOVERNMENT.

1. By what people and when was New York State first settled?
2. Name the thirteen original colonies.

3. What principle of taxation did the colonists contend for?
4. When did Lincoln issue the Emancipation Proclamation?
5. When, where and by which side was the first shot of the rebellion fired?
6. Who was president of the Southern Confederacy?
7. Name your supervisor and town clerk.
8. Name the officers of the President's cabinet.
9. Who is your congressman, and what is his salary?
10. Name all the State officers elected by the people.
11. How are assemblymen and senators paid, and how much?
12. Name qualifications requisite for jurors.
13. What is the lowest court in the State?
14. What is a jury?
15. Who are the State canvassers?
16. Who is Superintendent of Public Instruction, and what is his salary?

Moral character and ability to impart instruction being satisfactory, the required standard for a third grade license was seventy-five per cent.; for a second grade license was eighty-five per cent.; for a first grade license was ninety per cent.

During the third week of March, together with my worthy collaborer, commissioner Curtice, we apportioned the school money to the several districts of the county.

On the application and with the consent of the trustees, commissioner Preston, of Ontario, and myself, made an order altering the boundary lines of Nos. 3, Livonia, Livingston county, and Canadice, Ontario county. I also, with the advice and consent of the trustees, granted an order altering the district boundaries of Nos. 7 and 10, Geneseo.

The compulsory act is a dead letter.

The text-book law is a nuisance. I find that one district has adopted one kind, an adjoining district another, and so it goes. There is no uniformity of the books used.

I am sorry to say that, in a few cases, I find trustees inquiring after, not the best, but the *cheapest* teacher, and I have tried to impress it upon them that the *best* is the cheapest.

The Geneseo normal school has done a great work in advancing education, and many of the inhabitants of this district feel themselves under lasting obligations to its able principal, Dr. W. J. Milne, and all the other members of the faculty, for the interest taken and practical work accomplished. In my judgment, the normal schools are accomplishing the work designed by the Legislature when they were established.

To sum the whole matter up, I think that I can with propriety safely repeat my words of last year, that we are still improving in our educational work, and that the schools, with a few exceptions, have done well.

One of the greatest evils of our schools is the frequent change of teachers.

Good teachers should be retained.

Parents should visit the schools often.

I believe our school system one of the best in the world. It needs no changes except something that may make it more efficient in carrying out its purpose.

In closing this report, I would express my obligations to the trustees and teachers for their hearty co operation, and for the respect shown me.

My thanks are due to the inhabitants of the district for their kindness and hospitality, to my colleagues and educational friends for their advice and counsel, and to the Department for favors granted and prompt answers to all my communications.

Respectfully yours,

FOSTER W. WALKER,
School Commissioner.

CALEDONIA, *November 12, 1880.*

MADISON COUNTY — FIRST DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In accordance with your direction, the following report is respectfully submitted.

Circumstances will not warrant me in saying that the past year has witnessed all the improvements in our common schools that one thoroughly interested in the cause of education could wish for, yet it has been my pleasure to witness many gratifying results.

Teachers are more wide awake and seem to have more spirit for the work. Trustees, in many cases, are looking more to the qualifications of teachers, instead of the cheapness, as formerly.

While many edifices are poor excuses for school-houses, it has been gratifying to see a few districts yield to argument, and repair the old structure or build new.

The teachers' association, established last year, and the teachers' institute, held twice in each year, are important factors in elevating the qualifications of teachers. It is gratifying to see increased interest taken at each successive one of these meetings, and still more so to see that the schools are reaping the benefits of them.

I have made 224 visits during the past year. In a great many instances, I have found the teacher doing with her might, mind and strength, her whole duty, and doing it well. Many of the exceptional cases are where the teacher has taken up the work of teaching as a temporary employment.

I have made it a rule to advise the teacher who does not do satis-

factory work, of her faults, and tell her how she can improve. These criticisms are received in the best of spirits, and result in much good.

I find a great lack of school apparatus, such as globes, outline maps, blackboards, etc. In the construction of school buildings, little or no attention has been paid to ventilation.

I have licensed 216 teachers within the past year. The greater portion of these were teachers whom I had previously licensed.

I usually hold public examinations, one in each town twice a year, giving one day in a place. This time is too limited for a sufficiently thorough examination. Many come to my office for inspection, and though it is inconvenient for me many times, I do not discourage it. It is my experience that public examinations do not afford the opportunity for bringing out the different points of qualification necessary for a teacher to have, that private examinations do.

If it were not for bringing together so many in one examination class, I should be in favor of having uniform examination questions throughout the State. This would make it necessary to hold all examinations at one date, and, of course, make large classes necessary, not giving much opportunity for judging qualifications, except from examination papers.

I notice a too frequent change of teachers in the schools. This is, in a great measure, owing to a frequent change of trustees. Trustees should continue in office longer than one year, or what would be better, abolish the present system of trusteeship, and establish a "town board" of trustees, and let the employment of teachers rest with them. This would obviate many difficulties. It would remove the temptation to trustees under the present system, to make a change of teachers and employ particular ones for personal reasons, such as getting the teacher to board with them, and thus make a little profit to themselves, etc. And again, the secretary of this "town board" would, doubtless, be a competent person to keep district accounts, and report accurately to the commissioner at the close of the school year.

Many districts employ cheap teachers in order not to expend more than the public money, and have their school taught 28 weeks in the year only, thus complying with the requirement necessary to draw public money. To overcome this evil, an increased apportionment seems advisable, the consequence of which would be that there would be more pains taken to secure excellent teachers, and more than 28 weeks taught.

The suggestion that the school year be changed, to begin August 1st, seems to me to be reasonable. The annual school meeting should be held some time in August. This would give the trustee an opportunity to act for the whole of his school year. It would also remove the necessity of dividing the fall term, and reporting one portion of it in one annual report and the remainder in another.

The teachers' institutes are doing an excellent work in this county. There is an increased interest taken in them. At our last session a

larger number of teachers was present than we had been in the habit of witnessing in this county. These institutes work hand in hand with the associations, inspiring teachers to greater activity, giving them new and better ideas, making them stronger for the arduous duties they have to perform. Altogether, the institutes are gaining ground, and popular sentiment is becoming more and more in favor of them.

I believe the normal schools afford superior advantages in preparing persons for the work of teaching. My regret is, that so few, compared with the many now engaged in teaching, have received those advantages. If teachers could receive better wages, and at the same time the standard of qualification be raised, there would be greater inducements for persons to fit and prepare themselves for teaching as a life-work, and they naturally would seek the best advantages afforded for such preparation. The normal schools furnish the training needed by every teacher.

Madison University, located at Hamilton, is a flourishing Baptist institution of learning. Although established in the interest of ministerial education, it gives literary advantages to all. The alumni are found in all the professions. It consists of three departments, viz.: theological, college and academic. The academic department, or Colgate academy, as it is called, strengthened by a large endowment fund, and an excellent faculty, stands in the first rank as an institution of learning. Its annual average of students in attendance is about 100.

In conclusion, I gratefully acknowledge my obligations to the Department of Public Instruction for its official courtesies, and for the prompt attention it has given to frequent inquiries.

Your humble servant,

G. NEWTON WHITE,

School Commissioner.

GEORGETOWN, *November* 16, 1880.

MADISON COUNTY — SECOND DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In conformity with your request, the following report of educational matters in this commissioner district is respectfully submitted.

The second commissioner district of Madison county embraces the six towns of Cazenovia, Fenner, Lenox, Smithfield, Stockbridge and Sullivan, being the northern part of the county.

By the favor of the people of the district, the majority of whom hold political sentiments adverse to my own, I am near the close of the second year of the second term of my incumbency of the highly important office of school commissioner; and, therefore, I will

venture to use the more freedom in describing our educational interests.

There are, in this commissioner district, 101 school districts, including parts of joint districts, the school-houses of which are in this county. Of these, 16 are in Cazenovia, 14 in Fenner, 27 in Lenox, 9 in Smithfield, 15 in Stockbridge, and 20 in Sullivan. There are, also, 7 parts of joint districts the school-houses of which are in other counties. Cazenovia has four of these, Lenox one, Stockbridge one, and Sullivan one.

Several of the school districts have built new school-houses, of improved construction, during my term of office, while others have rebuilt or made important changes upon their school-houses, so as to make them more convenient and comfortable for school purposes. One of the best, if not the very best, school-houses in the district, is the new edifice in union district, No. 9, Lenox, in the enterprising village of Canastota. Remembering how greatly the village had suffered from incendiary fires, the noble example it has placed before the other districts of the town and commissioner district seems truly wonderful. It is eminently worthy, in all respects, of the oldest union school district in my jurisdiction, and it has had and will continue to have an important influence in other districts, in favor of better school-houses. To Prof. Aaron White, for many years the excellent principal of Canastota union school, but now teacher in Cazenovia seminary, much of the credit of this superior edifice belongs. Long may it remain a monument of his zeal for popular education, and a fitting testimonial to the noble interest of the people of the district in the same worthy cause. Wampsville and also Lenox Basin, in the town of Lenox; District No. 5, Cazenovia; Oak-Hill, Sullivan; and other districts elsewhere, have imitated Canastota, according to their means, so that the work of replacing former imperfect structures with modernized school-houses, of improved construction, is well begun, and we may justly hope that a new era of better school architecture has dawned upon us, which will permeate to all parts of the district, producing the desired beneficial results.

During the past year, my ill-health has interfered somewhat with my supervision of the schools; but, by correspondence and otherwise, the condition of the schools has been ascertained, and necessary advice has been given, so that the hope is confidently indulged, that the educational interests of the district have not suffered through the commissioner's illness. At the present time, his life spared and health in part restored, by the blessing of a kind Providence, the commissioner hopes to so perform the remaining duties of his official term, as not only to conserve the educational interests of the district, but to meet the approbation of his constituents, and the expectations of the Department of Instruction.

Experience and observation have convinced me that three trustees are, in some cases, better than one. It prevents hasty engagements of teachers, and usually secures impartiality in their employment.

In some few districts, women have been elected to office, at the recent annual meetings. If women are to vote, and also hold office, it seems to me but proper that they should be placed upon the same footing as men, when they have the requisite qualifications, in other respects, except being voters at town meetings.

The "Township System" of public schools has been but little discussed in this district. From what I have heard of its practical working, in other States, I would favor its adoption in this State, hoping that some of the evils of the "District System" would thereby be eradicated. Much of the unpleasant duties of my office is connected with the alteration or the dissolution of school districts. Town boards of education would probably be composed of some of the best educated and most influential citizens, interested in educational matters.

There are but three union schools in this commissioner district—Canastota, Chittenango and Cazenovia, organized in the order named. The first two have excellent school-houses, with necessary outbuildings and ample grounds. Cazenovia has been utilizing its three old buildings, which have been put in good repair, and supplied with improved furniture. An important addition is proposed to be attached to the principal school-house, which, when completed, will make the school accommodations of the beautiful village, ample for many years to come. Several more of our village districts ought to become union school districts, and enjoy the superior advantages of the graded system, and an efficient board of education.

But few of the districts manifest much interest in their libraries. Indeed, many of them seem to regard the district library very much in the light of a nuisance. Whether a town library of the same character would find greater favor is somewhat problematical. Books, to be read, must be adapted to the capacity and meet the tastes of those who are expected to read them.

From the abstract of trustees' reports, herewith submitted, you will learn the financial statements, and statistical information required from them. These reports, as usual, are many of them imperfect; but it has been my endeavor to correct manifest errors, and render them as accurate as possible, so far as the apportionment of the public monies is concerned especially.

Teachers' institutes have been held annually in the county during my term of office, with manifest advantage to most of the teachers who have attended them, and consequent benefit to their schools. Those for the present year were held at Morrisville and Cazenovia. The first, held in the spring at Morrisville, between the winter and summer terms of the schools, was successfully conducted by Professor F. P. Lantry and Professor E. V. De Graff, both of whom are experienced instructors. The other was held in September at Cazenovia, and was conducted by Professor Lantry in his usual happy manner, assisted by Professor C. H. Dunn. In most respects, the institute was very successful, some 200 teachers being in attendance.

But few teachers from the State normal schools have found employment in the schools of the district, still their success has been such as to make us wish for more of similar well trained teachers. The normal schools are evidently doing a good work and ought to be sustained, and their efficiency increased as much as possible.

The proposed "unification" of our school system does not commend itself to my approval. The present system has worked well in most respects, securing us, generally, competent State Superintendents; and, so long as we are enabled by it to obtain competent chiefs of the Department of Public Instruction, as at present, the necessity of a change does not appear obvious.

My warmest expressions of gratitude are due to commissioner G. Newton White, of the first commissioner district, for assistance rendered and numerous professional favors conferred upon me during my illness.

The favors of the Department, rendered me during my term of office, have been numerous; and it gives me much pleasure to express my earnest thanks to the Superintendent of Public Instruction for the kind consideration he has ever given to my requests, and the gentlemanly courtesy with which he has ever treated me.

Permit me to hope that these statements and suggestions, most respectfully submitted to your consideration, will meet your approbation.

Your obedient servant,

JOHN E. TOPPIN,
School Commissioner.

CAZENOVIA, December 15, 1880.

MONROE COUNTY — FIRST DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In accordance with your request in circular, July 20, 1880, I respectfully submit the following report:

Owing to the ill-health of commissioner Allen J. Ketcham, of the second district of this county, I have been called upon to perform the duties of his office, as well as my own, until August last. Although devoting my entire time to the discharge of official duties, much which should have been done was of necessity omitted. Within the past year, I have made 104 half-day school visitations, about 150 visits, visiting three schools per day. Less than half-day visits are not at all pleasing to me, but I have been obliged to make the shorter ones, and still neglect some of the schools in the second district.

The improvement in the greater portion of the schools has been marked, as well by the people as myself; and, from commendations received, I judge that the people really value the work of their

commissioner. One noticeable improvement — no more croaking in regard to institutes, or thorough examinations, but a just appreciation of the benefits of both on the part of the teachers and people.

My method of examination is: Written answers or solutions and answers to questions presented upon printed slips. While the questions are designed to show a knowledge of facts and principles on the part of the teacher, they are also intended to show breadth of culture, power of demonstration, and an understanding of the philosophy of education, as illustrated in methods of school work. By way of improvement, I propose hereafter to hold two days examinations at different places in my district, following the institute and incorporating quite extensively into such examinations the work of the institute. As the institute is for the teacher, the teacher must be for the institute, and if the teachers understand my ideas in relation thereto (which they will or quit the business), the attendance will be largely increased, and possible results obtained in more of the rural schools. Number of teachers licensed during the year, 186; number in force, October 1, 1880, 131, viz.: 24 first grade, 94 second grade, one-half of which expire April 1, 1881, 13 third grade expiring April 1, 1881. Upon first examination I grant only third grade. After one term or more teaching the applicant having shown natural executive ability and tact in school work, and re-examination, I grant second grade, and first grade only to those, for whom, by their language, the State Department intends them.

I am firmly convinced, so far as this county is concerned, that if the State money apportionment upon the number of resident children of school age was done away with, and the whole apportioned upon the total average attendance for the school year, or the first twenty-eight weeks of any school in the school year, that the result would be: 1. Better schools. 2. Less districts. 3. Increasing interest in the schools, on the part of the people. I think a careful study of the first statistical report herewith submitted proves this. I would also suggest that the school year should begin upon the 1st day of August. This would have the effect of keeping the same teacher in a school for the year.

It has been my habit, when I found a school-house in bad condition, in whatever wanting, to visit trustees, and some of the inhabitants of the district, talk with them in relation to the needs and wants of their school, talk to the pupils, tell them how much better a well furnished school was doing, etc., thus intending to arouse the people to greater interest in the public school. Several new school buildings, many repairs, re-seated, etc., attest increased interest. You ask concerning the condition of public education. This in general is in the direct ratio to the interest manifested in the public school by the people of the district. On an average, taking age of pupils into consideration, there is a decided improvement and advancement, consequent upon the introduction of improved

methods of instruction, giving us pupils with enlarged reasoning powers and capabilities, and less of the toe-a-crack, parrot, pigmy-minded impossibilities. To the improvement of the condition of public education should the best energies of the school commissioner be directed; and he who delights in beholding expanding intellects, the child to become not a humanity, but a man—not a walking stomach, but an enlightened American citizen, will so direct his energies. His work as commissioner will then be appreciated by an intelligent and considerate public.

In this county, institute work is duly ranked a necessity. The two institutes held thus far during my official term, conducted by Professors Northam and Lantry, have been eminently successful. A discerning public do not fail to highly commend them.

The work of the normal schools, as exemplified by their graduates, I believe to be all that the State could reasonably expect, but a large class attend for a term of twenty weeks, come out, and in some instances have received certificates. Their work in the school room shows that scholarship is wanting to make the methods learned of practical value. This could be remedied by making the entrance examinations more thorough and searching. Failures, on the part of such so-called normals, have caused many to decry the utility of the normal schools. Personally, I regard them as grand auxiliaries in the teacher making business, but whether results guarantee the large outlay of money necessary to sustain them, is a question upon which the people disagree.

There are only two private schools in my district—a few pupils in each. I have not visited them as yet. The union free schools of Fairport and Webster are doing noble work. The same may be said of several village schools, as yet under the old law.

I desire to express thanks for advice and favors often granted, for counsel, and indorsement of my expressed determination before the teachers in institute assembled, not omitting your address, complimented alike by people and teachers.

Soliciting your counsel and forbearance during my official future,

I remain, yours respectfully,

LUCIUS N. ALLEN,

School Commissioner.

HONEOYE FALLS, *December 10, 1880.*

MONTGOMERY COUNTY.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In compliance with the request contained in your circular of July 20, 1880, I have the pleasure to submit the following report:

During the year commencing October 1, 1879, and ending September 30, 1880, three hundred and four official school visits were made, averaging one-half day to each department.

I have found, by the past two years' experience, that much of the prosperity of schools depends very largely upon the attention given them of school officers. My time and attention have been wholly given to school work, since entering upon the duties of my office, and after a lapse of two years I verily believe there can be seen a decided improvement in the condition of the public schools of this county.

There were 235 licensed teachers employed last year, 208 of whom had their certificates renewed, and the remaining 27 received teachers' certificates after having passed a satisfactory examination. In order that all the schools may be supplied with a sufficient number of teachers, 152 are required. The surplus number of licensed teachers in this county is limited.

The written method for examination of applicants for teachers' certificates has been adopted and strictly adhered to. We have many reasons for advocating the written method, and deem it a pleasure to recommend it to those commissioners who have not yet adopted it.

Licenses are not granted to any person under seventeen years of age, and I think it would be a great benefit to our schools if none were licensed under twenty years of age.

A uniform method of examination should be established throughout the State, thus tending to advance the interest of our public schools and raise the responsible work of teaching to a more permanent profession.

In relation to the compulsory education law, I need only to say that it is a failure. Experience has convinced me that children under six years of age should not be allowed to attend school.

The apportionment of public moneys should be based upon the average attendance, and not in part on the number of children between the ages of five and twenty-one years. It is a fact worthy of consideration that very few above the age of eighteen years attend our public schools any portion of the school year. I would suggest a change in school age as follows:

Instead of including all children between the ages of five and twenty-one years in the census, for making an apportionment of school moneys, take such only as are between six and eighteen years. Much might be said in support of a change as suggested above, but for fear of trespassing I refrain.

In the settlement of difficulties arising in school districts, out of school affairs, very much is left to the discretionary power of the school officer to decide, on account of the school laws of this State not being very explicit on many disputed points. It affords me pleasure to say to the people of Montgomery county, that we have a Superintendent of Public Instruction who is in deep sympathy with *all* the schools of the Empire State, and will sustain all

such measures which have for their object the future welfare of her schools.

The Montgomery county teachers' association was held in the village of Amsterdam, in April last, and was in session two days.

A teachers' institute was held in Fort Plain, commencing October 25, and was in session five days. Prof. Johonnot, principal conductor, and Prof. Pooler, assistant. One hundred and ninety-five teachers were in attendance. The instruction given by the conductors was practical, and will be felt in its influence long after they shall have retired from institute work.

Concerning the invaluable benefits the public schools derive from the teachers' institute, words are inadequate to express. It can be very plainly seen that those teachers who attend teachers' institutes, regularly and attentively, do the best work in our schools; hence, the necessity for having a decree from the "Department," requiring all who desire to engage in teaching to attend the teachers' institute at least a portion of its session, unless some disability necessarily prevents them. The popular sentiment speaks loudly in favor of teachers' institutes, and claims them to be essential factors in our educational system.

Four appointments were made to the State normal schools during the past year. The normal schools of our State are held in high esteem by those who are capable of appreciating their worth, and are regarded as being the best schools for fitting young men and young ladies to become teachers of our youth.

Two private schools were reported to me, one in the village of Amsterdam, and one in Fort Plain. There are at present in this county one academy and one seminary. The academy at Amsterdam is in a healthy and prosperous condition, having for its principal a man equal, in every respect, to his responsibilities. The seminary located at Fort Plain is under the supervision of Prof. Parcell, formerly principal of Fairfield Seminary. Situated in one of the most beautiful villages in the valley of the Mohawk, it is destined to become second to none in the Empire State.

A number of school-houses have been repaired, and thus put in a better condition for holding schools. Two new school-houses have been built since my report of last year. Thus you see that the people of Montgomery county do not intend to remain indifferent toward the actual necessity of making better provisions for the health and comfort of their children.

I wish to say that I am an advocate of the township system. I believe that a change from the present system to that of the township would prove a great blessing to our schools. I question the propriety of discussing the township system in this report; hence, its dismission is necessary.

During the past two years, I have endeavored to do all in my power to promote the best interests of the public schools in this county, and shall continue to do so to the close of my term of office. The office of school commissioner in Montgomery county is not a sinecure. When we consider the time required to make every

school and school department an average of two official visits per annum ; the time for holding examinations of applicants for teachers' certificates ; apportioning school moneys to 130 school districts ; making complete financial and statistical reports of all the schools in the county, to the State Superintendent ; settling disputes in relation to boundary lines between districts ; annexing portions of some school districts to other school districts ; superintending the teachers' institute, and attending teachers' associations ; and settling the multiplicity of disputes arising from neglect of duty by school officers, or from not acting in accordance with school law ; no one, possessing even an apology for reason, will think for one moment that the duties attending the office of school commissioner are not freighted with important responsibilities.

The efforts made on the part of a few disappointed office seekers to abolish the office of school commissioner are very unreasonable and unjust. I can conceive of no subordinate office of more importance to the well being of our public schools than the office of school commissioner.

I have one year more to serve the people of Montgomery county, yet I shall strongly and persistently oppose all measures having in view the abolition of the office of school commissioner.

Two years' earnest, though perhaps inefficient, work as a school commissioner has served to confirm the opinions as expressed in this report. Other interests of our schools claim attention, but I must close.

Permit me, in closing, to thank you for the uniform courtesy which I have received from the Department. My thanks are due to the trustees and people of the county for their kindness and hospitality.

Respectfully yours,

ALONZO GEWEYE,

School Commissioner.

SPEAKER'S BASIN, *December 28, 1880.*

NEW YORK CITY.

DEPARTMENT OF PUBLIC INSTRUCTION, }
CITY SUPERINTENDENT'S OFFICE, }
NEW YORK, *December 6, 1880.* }

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—In compliance with your request, and according to custom, I have the honor to present herewith a detailed report showing the condition of the schools under my supervision, with a general statement of the operations of the system for the year ending the 30th day of September last.

The whole amount of money received by the board of education

in this city, during the year ending at the above date, was \$3,396,324.92, of which \$591,689.54 was the amount of school moneys apportioned to the city by the State Superintendent.

The amount expended during the year for school purposes was \$3,396,324.92. Of this expenditure the following is an itemized statement:

For teachers' salaries.....	\$2, 503, 770 61
For school apparatus.....	139, 198 78
For colored schools	27, 233 24
For building, hiring, repairing and furnishing school-houses, etc.....	250, 009 88
For all other incidental expenses, viz.:	
For fuel	\$74, 572 37
For heating apparatus.....	14, 611 93
For janitors' salaries	113, 204 56
For officers' salaries.....	68, 480 69
For agents of truancy.....	12, 304 25
For nautical school	7, 800 00
For incidental expenses.....	89, 158 40
	380, 132 20
For corporate schools	95, 980 21
	<u>\$3, 396, 324 92</u>

The total expenditure for 1879 was \$3,296,910.42, showing an increase this year of \$99,414.50.

The whole number of schools under the jurisdiction of the board of education is 306, classified as follows:

Normal college and training department.....	2
Saturday normal school for teachers.....	1
Grammar schools for males	46
Grammar schools for females.....	46
Grammar schools for both sexes	12
Primary departments of grammar schools	68
Primary schools (separate)	45
Colored schools.....	5
Evening schools (including the evening high school)	32
Nautical school (on board the ship St. Mary's)	1
Corporate schools (industrial schools, Reformatories, orphan asylums, etc.)	48
Total	<u>306</u>

The last mentioned are under the immediate care of their respective boards of managers or trustees, but are authorized by law to participate in the school fund. The corporate schools are inspected and examined by the officers of this department at least once each year, and the results of such examination showing their condition and management are reported to the board of education.

The following table exhibits the average attendance of pupils in each class of schools for the year, with the number of teachers employed therein, as compared with the year 1879 :

SCHOOLS.	Average attendance.		No. of teachers.	
	1880.	1879.	1880.	1879.
Normal college, training, nautical and Saturday schools.....	2,643	2,738	69	61
Grammar schools.....	42,352	42,206	1,395	1,371
Primary departm'ts and schools	69,773	67,493	1,660	1,618
Colored schools	615	713	34	35
Evening schools.....	7,876	8,222	339	320
Corporate schools.....	9,543	9,408	153	150
Total	132,802	130,780	3,650	3,555

From this table it may be seen that the average attendance in all the schools shows an increase of 2,022 pupils as compared with the attendance for 1879 ; and that the attendance of the schools under the immediate control of the board of education shows an increase of 2,328 over last year. In this connection it is proper to state that a by-law was passed November, 1879, requiring that all pupils shall be present at least one and one-half hours of each school session or half day, in order that they may be counted in the attendance.

The whole number of pupils taught during 1879 was 265,667 ; in 1880 it was 270,176. Both these totals were obtained by counting, in some instances, a pupil more than once, in consequence of change from school to school.

Special returns made by the principals show that the whole number of *different* pupils taught during the year was 218,889, an increase of 6,019 as compared with the returns of the preceding year.

In the matter of school accommodation, I am pleased to be able to state that since the date of my last report, one additional building has been completed, and that five others now in process of erection will be ready for occupancy during the coming year. These five buildings will furnish school facilities for 7,500 pupils, and will greatly relieve the over-crowded condition of many of the schools in certain sections of the city.

A reorganization of the evening schools was made in the month of June. The characteristic features of these schools as at present organized are the following :

"Evening schools shall be classified as schools for juniors and schools for seniors. The former, pupils only between the ages of thirteen and eighteen shall be allowed to enter ; but no person shall be admitted to the schools for seniors who has not attained the age of sixteen years.

"There shall be one term of the evening schools, commencing on the first Monday of October, and continuing eighteen weeks, exclusive of the usual holiday vacations.

"The school exercises in male evening schools shall be commenced at 7½ o'clock, and close at 9½ o'clock; and the school exercises in female evening schools shall be commenced at 7¼ o'clock and close at 9¼ o'clock in the evening of the usual school days. The doors shall be opened a quarter of an hour before the regular time of commencement of school exercises, at which time the teacher shall be present to maintain order, and to make all necessary preparations for the commencement of the school exercises. A quarter of an hour after the regular time of commencement of school exercises the doors shall be closed, and no pupils admitted thereafter during the evening, except in the schools for seniors, wherein there shall be two sessions each evening of one hour each, and in such schools for seniors, the doors shall be closed a quarter of an hour after the regular time of commencement of the exercises of each session respectively, and no pupil shall be allowed to enter his class after that time. At the end of the first session, in schools for seniors, the doors shall be opened for the dismissal and admission of pupils, and remain open for fifteen minutes. It shall be the duty of the principal to be in attendance at the school building during two weeks previous to the opening sessions in the male schools, between the hours of 7 and 9½ o'clock, and in the female schools, between the hours of 6½ and 9 o'clock each evening, for the examination, registration and classification of pupils applying for admission.

No persons shall be admitted to the evening schools except those whose ages and avocations are such as to prevent their attending the day schools; and no person shall be admitted who has not attained the age of thirteen years. Pupils desiring admission to the schools for juniors, at the time they apply for admission, shall be accompanied by some responsible person, or shall present a certificate satisfactory to the principal, attesting their identity and respectability.

The trustees of each ward in which evening schools are located shall nominate to the board of education, at its first stated meeting in September, a principal and assistant teachers for said schools. The assistant teachers shall be nominated in the order in which the trustees desire them to be appointed and employed. An assistant teacher will be appointed for every thirty pupils in average attendance during the preceding term of the evening school held in the same building; and where schools shall not have been heretofore held, and in the schools for seniors for the session beginning in October, 1880, an assistant teacher will be appointed for every forty pupils registered pursuant to section 91 previous to, and in attendance on, the first night of the term. All assistants shall hold their situations in the order in which they are appointed. When the attendance is less than an average of twenty-five pupils to a teacher, it shall be the duty of the principal of each school to report the fact

to the city superintendent, and also to the committee on evening schools, and said committee shall decide what teacher or teachers shall be discharged. Whenever, during the term, the attendance is in excess of an average of thirty-five pupils to a teacher, additional teachers may be appointed in that proportion.

These teachers who are nominated as principals must each have received a certificate of qualification as a teacher of the highest grade of grammar schools. No female teacher shall be employed in any male evening school. No teacher shall be appointed as principal or assistant in any evening school, unless he or she have a license for teaching in the day schools; but the city superintendent may grant licenses, as prescribed by law, to teach in evening schools to those who do not hold licenses to teach in day schools, provided they pass an examination in the following subjects:

Reading, spelling, English grammar, history of the United States, arithmetic, algebra, through quadratic equations, plane geometry, physics, geography, and principles and methods of teaching; and the city superintendent shall, whenever requested by the committee on evening schools, give such committee information and advice as to the fitness of persons nominated by the trustees of the respective wards for teachers in evening schools.

In the schools for juniors, reading, spelling, definitions and penmanship shall be taught in all the classes. Geography shall be taught by means of outline maps, and oral explanations in those classes whose grade in arithmetic is above the fifth prescribed in grammar schools. Arithmetic shall be taught in part by mental exercises in calculation and analysis, with practical applications of the principles and rules.

The course of study in the schools for seniors shall embrace the following branches:

1. Reading, including spelling, definitions and historical readings; 2, arithmetic; 3, penmanship; 4, bookkeeping, and 5, composition. Any pupil upon his admission may, at his option, select not more than two of the said branches of study, which he desires to pursue during the term.

It shall be the duty of the principal of each school for seniors, by and with the advice of the city superintendent, to arrange an order of exercises for each evening during the term.

“The principal shall keep records of the admission, attendance and scholarship of the pupils, and shall report, at the close of each term, to this board the whole number taught, with the average attendance for the term, together with such other information as may be required. No pupil shall be marked or counted as present who does not remain in school during at least one-half of the session, unless obliged to leave earlier on account of sudden illness.

“No lecture, exhibition, or any other departure from the usual order of exercises shall be permitted by the principal.

“Assistant teachers may be employed in each school to teach foreign pupils the English language, but shall be counted in the

regular corps of teachers, and paid as such. The attendance of such classes shall not be counted in the general average of the school, and the continuance of the said teachers shall be in the discretion of the committee on evening schools."

In consequence of this reorganization the number of evening schools was reduced. From present appearances the change has been productive of good results. The increased regularity in the attendance and the greater progress and interest of the pupils more than compensates for the slightly diminished attendance.

The curriculum in the normal college has been modified and improved, and one year added to the term. This change will enable the institution to furnish the schools with teachers better trained and more mature, both physically and mentally.

The number of different students on register in this institution during the year was 1,670; and the average attendance for the year was 1,303.

Last June 278 young ladies were graduated and duly licensed to act as teachers in any of the schools under the government of the board of education.

The Saturday session for teachers was abolished September 1st, in consequence of the extension of the course of study and training in the normal college, together with the fact that almost all the younger teachers had received the benefits of the institution.

In conclusion, I am happy to be able to state that the increasing attendance in the schools, and their constantly growing popularity, speak favorably for the efficiency with which commissioners, trustees and teachers generally perform their several duties.

Respectfully submitted,

JOHN JASPER,
Superintendent.

NIAGARA COUNTY — FIRST DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—I herewith submit the following report for the year 1879-80.

Having been in poor health nearly the whole of last year, and being unable for this reason to visit all of my schools, I cannot report as favorably in regard to this part of my duties as I would like to. I have visited about thirty schools, spending one day in each, some of the remaining ones having been inspected by commissioner Balmer during my absence in Florida.

In most of the schools I found the teachers doing their duty and working hard, but in some of them there was a general lack of system and order.

Although I think the schools were never in better order than at present, there is still ample room for improvement in methods of

teaching, qualifications of teachers and the plan of hiring them, and I would that *some* method might be agreed upon by the commissioners of this State, and presented to the Legislature, that will change the present manner of changing teachers and governing them in our common schools.

I was much pleased with the report for 1879 of commissioner C. D. Elmer, of Suffolk county, in which he proposes to compromise between the *present* system and the *township* system which has been so vigorously discussed.

I copy the following from commissioner Elmer's report, in which I fully concur :

"Retain intact the districts as now constituted, allowing the inhabitants thereof to annually elect a sole trustee. These several trustees should assemble at the most accessible point in the town, choose a chairman, and by ballot, elect a town board of education, from their own organization, this board to consist of three, five or seven persons, according to the size of the town and the number of districts therein; the commissioner, *ex officio*, should be a member of these boards within his jurisdiction, and his powers should be so increased that no teacher could be employed without his approval, save by a unanimous vote of the whole board."

Without some move of this kind is made I do not think our common schools can ever be raised to any high standard of excellence, for this reason: So long as the trustees are elected *annually* and changed in most cases *every* year, and so long as a teacher can stay but one or two terms in a school, the schools can *never* be what they should be, and if no teacher could be employed in my district without my approval, there would be a great change of teachers, I can assure you.

There are teachers whom I license that I would not put in *every* school, though their education, moral character, etc., are such that I cannot refuse them a certificate.

The plan suggested by commissioner Elmer keeps the election of the school board out of *politics*, which is a point of no little consequence. For many reasons I think this plan the best yet suggested, and I see no serious objections to it.

I would also suggest that a change be made in the apportionment of the public money, especially so long as we have the present system. After deducting the money for district quotas, I would divide the remainder according to the *average daily attendance*, and not partly according to the number of children of school age in the district.

There are three districts in my district where the children mostly attend German denominational schools and pay no attention to English schools till they are more than fourteen years of age. In one the average attendance is only *five*, and last year, I think, that district received over \$170 public money, which is \$34 that the *State* paid for each one of those who attended. The other two

districts were about the same. Is not *such* a system of apportionment erroneous? The more the public money depends, in amount, on average attendance of pupils, the more regularly will they attend.

I had an experience during the past summer that leads me to think that there should be a change in the law regarding the building of school-houses. In one of my districts the house is so poor that it is a disgrace to the county, and a former commissioner tried to condemn it, but the supervisor would not act with him for political reasons, and *I* have tried the same thing, with similar results. The children are really suffering for want of a new house, and those who have children to send are in favor of building, but there happens to be enough men who have no children to send to overbalance those who have, and they vote down any move toward building, and this fall at a special meeting they would not vote a *dollar* for *repairs*. As the law is at *present*, those who have no interest in the school, and the supervisor, have power to keep those who *have* children and the *commissioner* from going forward and building a house. The law should be changed in some way so as to regulate such matters as this.

In the town of Lockport there is a joint district lying partly in Erie county, separated from said county by the Tonawanda creek. The children in *this* county have either to cross the creek in a boat and then cross the fields to the school-house (thereby committing a trespass), or walk one and one-half miles west, crossing the creek on a bridge, then walk the same distance back east, making three miles in all. One boy was drowned while coming from school in a boat last summer.

Now, that part of the district which lies in *this* county should be set apart and distributed to districts *in* this county, but the commissioner of Erie county will not consent, so *I* am powerless. I would earnestly request the State Superintendent to examine into this matter and remedy the evil.

I have but three normal graduates in my district who are teaching, but there are others who would teach could they obtain schools at decent wages, but no normal graduate can afford to teach for \$6 per week and pay board. I believe the normal schools are doing a grand work, but there must be a change in the system of hiring teachers before any great number of normal graduates can obtain paying positions as teachers in Niagara county. So long as a teacher holding a second grade license can receive as much within fifty cents per week as a normal graduate, there is great need of a change.

Our institute was held in Lockport for one week, in the month of September. It was well attended and generally useful to the teachers; but I think a *spring* institute would better meet the interests of those who attend, as most of the attendants are ladies who teach only in *summer*; and from a *spring institute* they could go right into their schools with the instruction they had

received fresh in their minds, and not wait *six months* before they can use it, which is the case in a fall institute. The public sentiment concerning institutes in this county is, I think, that they are mostly for "the teachers to get together and have a good time." The trustees will not allow the teachers to attend them if they come during the term of school. One teacher in my district informed her trustees that the law permitted her to attend the institute, and receive pay while so doing. They told her that, if she would *not* attend the institute, she could have the school for the winter term; but if she *did attend* she could not; so, in order to retain her position as teacher, she was obliged to refrain from attending the institute.

I have licensed teachers as follows: 14 first grade; 68 second grade; 9 third grade; total, 91. These were licensed, with the exception of those whom I had licensed before, on written examinations.

Two new houses have been built during the past year, and several have received needed repairs.

I have succeeded, in a few cases, in influencing trustees to hire competent teachers, at fair wages, and I think, without exception, they have been well pleased.

I am now working in my winter schools, spending one-half day in each school, and hope to be able to visit every one.

Thanking the Department for past favors,

I am your obedient servant,

CHARLES H. LEONARD,

School Commissioner.

LOCKPORT, *December 10, 1880.*

NIAGARA COUNTY — SECOND DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In accordance with your direction, I have the honor to submit the following in addition to my abstract.

This district comprises seven towns: Hartland, Newfane, Somerset, Wilson, Porter, Lewiston and Niagara. It contains ninety-five school districts, having school-houses in this commissioner district, and three joint districts with school-houses in an adjoining county.

The graded schools at Suspension Bridge, Niagara Falls and Lewiston have efficient teachers, and are the pride of the people and patrons.

There is a private school in Wilson, also one in Somerset, which are doing good work.

Most of the schools in my district change teachers every term, which I think is decidedly wrong. I think there should be a law

enacted making the school term one year, and compelling trustees to hire for that length of time, unless they have good reasons for dismissing. I believe it would make them more particular in their selections, for I find a greater per cent. of teachers holding third grade certificates—licensed by me—teaching, than of any other grade; and I believe it is for the simple reason that they teach cheaper.

I made 129 official visits, during the year, and I find almost invariably that the large schools have the best teachers. We have too many small schools and weak districts. I believe it would be one step in advance to annul all districts, say, with less than 30 or 40 children of school age residing therein.

I have, in the last year, granted 3 first grade, 47 second grade and 57 third grade certificates; and renewed 6 first grade, 89 second grade and 3 third grade certificates.

I require a written examination in arithmetic, geography, grammar, history and civil government, and spelling; and an average of 70 per cent. for third grade, 80 per cent. for second grade, and only give first grades where I am satisfied there is a devotion to the profession, and their experience in teaching entitles them to receive one.

The institute held in our county, commencing September 13 and lasting five days, under the instruction of Professors C. T. Pooler and R. L. Selden, was largely attended.

The institutes are growing more and more in favor every year, and if teachers would fully awake to the importance of their profession and of the good to be derived from attendance at the institute, I think they might be made of far greater benefit than even now. I find in my visits among schools, that those teachers who are the best posted in modern ways, and who have attained the greatest success in teaching, attribute much of their success to the teachers' institute.

We have a county teachers' association which holds its meetings quarterly and is supported by the best talent that we have.

Respectfully submitted,

R. D. BALMER,
School Commissioner.

RANSOMVILLE, *December 3, 1880.*

NIAGARA COUNTY — LOOKPORT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR. — In accordance with your request, I submit the following special report as to educational work in this city.

The administration of school affairs during the past season has been one of unusual eventfulness and interest. Several changes have been effected, which, it is hoped, will prove as beneficial as important.

The changes referred to are a reorganized system of gradation and classification, a new course of study, the introduction of supplementary reading, and a shortening of the daily session of school.

CLASSIFICATION AND GRADATION.

The school system, as reorganized, comprises four departments of instruction, viz.: primary, intermediate, grammar, and academic. While it is one of the special features of the system that it affords opportunity to all pupils, whether weak or strong, painstaking or brilliant, to progress slowly or rapidly according to their individual ability and effort, a systematic division of the work has nevertheless been made with reference to the time required by the average pupil; three years being allotted to the primary department, three to the intermediate, three to the grammar, and four to the academic—in all, thirteen years of study. Each department is subdivided into yearly grades, each grade comprising two half-yearly divisions.

The feature of the newly adopted system deemed most important is its provision for short intervals between classes, as it is this feature that affords the desirable element of flexibility. Heretofore the classes have been invariably one year apart, that interval having been deemed necessary because the grades of study were a year long. But under the new plan, while the grades of study remain a year in length, the intervals between classes of pupils are to be but half as long, *i. e.*, five months. The classes as they were have been divided with reference to the ability of the pupils. In due time, the abler division, by performing more work than the weaker division, will have reached a point a half year in advance of them. That point having been once reached, and the half year interval having been thus created, all classes will thereafter progress at a uniform rate, and the new system, which might appropriately be entitled the system of yearly grades with half-yearly class intervals, will be established in complete and regular operation.

The advantages of the new scheme over the one it displaces are obvious. The rigidity of the old system, growing out of the long intervals between classes, was the occasion of no little injustice and friction. At the end of every school-year—the time for promotion from grade to grade—there were sure to be some pupils whose attainments were not quite sufficient to warrant their promotion, but whose deficiencies were not so great as to require more than two or three months to make them good. For such pupils there was afforded no middle ground, no place suited to their peculiar needs. They were obliged either to remain in the same grade a second year, the larger part of which was spent in repeating familiar work, or what was even worse, they were assigned to the next higher grade to struggle hopelessly with difficulties for which they were not prepared. In either case there was injustice and discouragement to the pupil, resulting in injury to the school. It is clear that a system of gradation which provides for numerous classes and short intervals between them goes very far toward remedying the evil under con-

sideration. Pupils who fall a little short of the requirements for promotion go back, not a whole year, but only to the nearest class in which they find opportunity to take the work they actually need without real loss of time.

A very important merit of the short-interval system is that it permits and facilitates individual promotions. This characteristic effectually removes a serious objection frequently urged against graded schools, namely, that they ignore individuality, demanding of all pupils, however diverse in ability or opportunity, not only the same amount of work, but also the same rate of progress. There are in every school pupils whose superior powers of mind and body enable them to do more work without more effort than their classmates. And it often happens that their peculiar circumstances requiring them to leave school at an early age or keeping them out of school until an advanced age, they need to make the greatest possible progress in a limited space of time. For this, the short-interval system affords the fullest opportunity. The classes being so near each other, pupils having ability to do extra work will find little difficulty in advancing from one to the other. Thus discretionary promotions of individual pupils may be made whenever their qualifications will warrant, without reference to general promotions at stated times.

But, as has been stated, the time required for each grade of study is one year, though the intervals between classes are but half as long. The advantage claimed for this characteristic is that it obviates the too frequent recurrence of the friction and interruption incident to a general re-classification of a school or system of schools. As re-classifications regularly occur only when a grade has been completed and another is to be begun, their frequency depends upon the length of the grade — the longer the grade, the more infrequent the re-classification. The examinations for promotion, upon which re-classification is based, are regarded by pupils as examinations for *detention*, since it is their purpose and effect to call the pupil's advancement into question. By many a sensitive child they are anticipated with excessive nervous anxiety and dread. The disappointment and mortification of those who fail to pass the ordeal successfully are a sore trial for a child to bear, and they often occasion ill-feeling on the part of parents. Moreover, these examinations require much valuable time, which might well, if not better, be spent in regular study. These are some of the serious considerations which combine to render general re-classifications disturbing crises in school affairs which should not be allowed to occur more frequently than the real interests of the pupil demand.

This is not, however, a condemnation of examinations. On the contrary, they are and must continue to be a necessity to every well regulated system of schools. Few agencies are as effectual in influencing and stimulating the efforts of both teachers and pupils. There is danger, however, in their tendency to over stimulate. The great stress put upon them has led teachers and pupils to regard a

creditable examination result, as the grand end to be attained, and the far higher purpose of imparting and acquiring knowledge for its own sake is lost sight of. For education as the symmetrical development of all the faculties is substituted the process of cramming the memory with facts that are very imperfectly understood, and are even dismissed from the memory as soon as the examination is over.

The board of education feeling the force of the considerations above enumerated were led to adopt a system of gradation combining long grades with short intervals between classes. By virtue of the long grade pupils are left to the quiet and undisturbed pursuit of their studies for a whole year, the re-classification being too remote to cause undue anxiety as to promotion. By virtue of the short class interval, pupils who fall a little short of the standard of promotion are spared the injustice of a long detention, and the fullest facilities are afforded for promoting individual pupils as often as their qualifications will warrant. The long grades insure stability; the short class intervals, flexibility.

COURSE OF STUDY.

The adoption of a thoroughly revised course of study was a measure that had long been needed. The revision was made with reference to the progressive spirit of the times, yet with thoughtful regard for those methods and principles of education, the excellence of which has been proved by long experience. It is not thought necessary to cumber this report with any thing like a complete description of the course. A few items are sufficient to indicate the scope and character of the whole.

Besides the study of reading, writing and spelling, all of which may properly be grouped under the general term, "language," that term is also used in this course to designate a department of instruction designed to cultivate the faculty of expression. This instruction begins in the lowest grade with conversational lessons on pictures, toys and other objects calculated to arouse the child's interest; the design being to develop perception and observation, as well as correct expression. The work extends through all grades, and gradually assumes the character of instruction in composition. A variety of exercises are employed, including such as develop a vocabulary, exercises in narration and description, practical training in punctuation and capitalization, letter writing, and the forms and uses of bills, receipts, promissory notes and other business paper. A requirement to which special importance is attached, is that pupils shall be taught in connection with all exercises, the correct form, both oral and written, for all language that they may have occasion to use.

"General Lessons" is the title given to a department of oral instruction, the object of which is to render pupils intelligent and observant in regard to matters of practical every day life, and to increase their fund of general information. Faithful instruction in

morals and manners is enjoined; and though, in the main, this department pertains to things not taught in text-books, it includes, in the higher grades, some elementary instruction in familiar science, and in civil government.

A leading feature of the new course is that of

SUPPLEMENTARY READING.

Ample provision for this study has been made by special action of the board of education.

It has too long been the usage to limit the pupil's reading for a whole year, and sometimes for two or three years, to the meager contents of a single text-book. It is obvious that under such circumstances the reading exercises must deteriorate into the monotonous and meaningless repetition of what the child well nigh knows by heart. By long use he becomes familiar enough with his reader to repeat pages of it fluently; but let a book unfamiliar, but not difficult, be put into his hands, and he is utterly unable to read from it with any tolerable degree of readiness. Not only his vocabulary but his range of ideas is limited to the one book he has read. Moreover the irksome monotony of his reading lessons creates a positive dislike for reading, instead of that love of it which it is desirable that the school should impart.

How may this serious defect be remedied? Obviously by increasing the amount, variety, and attractiveness of the reading matter. Experience shows that when children are provided with matter that is fresh, and suited to their ability and taste, they will read several books during a year with as much facility and with far more enjoyment and profit than they will read one. Upon this principle it is easy to explain the fact that pupils belonging to cultivated families progress in this branch much more rapidly than the children of the illiterate, though in arithmetic the latter may excel. They are generally surrounded at home with attractive books, and *by reading they learn to read*. It should never be lost sight of that two of the leading purposes to be attained in this branch of instruction, are to develop the ability to read other books than the text-book, and to create a love for general reading as a means of gaining information. These purposes cannot be attained, however, unless there be at hand a sufficient supply of appropriate supplementary reading matter.

The following is the plan adopted in this city for supplying and using supplementary books: For each grade one hundred books are supplied. Each hundred is divided among four different authors of reading books, making four sets of twenty-five books in a set. Each class in the several schools is supplied with one set of books which are used until they begin to lose their interest. An exchange is then made between classes of the same grade in different schools, each class thus obtaining an entirely different set from any they have seen before. Other exchanges are made as often as necessary to the extent of four each year. This plan thus affords to every pupil

four different reading books during the year, besides the text-book in regular use. Of results it is hardly necessary to state that the merits claimed and the advantages desired are being realized daily in the avidity with which the supplementary books are read, and in the increased knowledge and intelligence which result from their use.

THE DAILY SESSION OF SCHOOL.

At the beginning of the current school year, the daily session of school, which, since the organization of this city's educational system had been six hours long, was reduced to five hours—three hours in the forenoon and two in the afternoon. This innovation was not made without much hesitation, but after a protracted consideration of the arguments for and against, it was deemed advantageous alike to pupils, parents and the school.

The most important of the considerations that led to this conclusion were these: In the first place, during a large portion of the school year, the six-hour session, beginning at 9 o'clock, A. M., necessarily continued in the afternoon until many of the class rooms had become too dark for study. It was believed that this fact accounted for the noticeably large number of school children in this city suffering from impaired eyesight. Again, there was an earnest and unanimous feeling that the health of students demanded that the noon intermission be extended from an hour to an hour and a half in length—a change which, owing to the early approach of darkness in the winter months, was impracticable while the afternoon session remained three hours long. The old arrangement afforded but one hour for the walk from the school to the home, the noon refreshment, and the return to school. Necessarily the meal was too hastily taken, and students, many of them fatigued from a long walk, were obliged to resume the burden of a second three-hours' session of study without that interval which nature demands for rest and the digestion of food.

For upwards of four months the five-hours' session has been on trial. Though it is perhaps too early to speak decisively, it is gratifying to be able to state that thus far the results seem to more than justify the change. The fear that it would be impossible to accomplish the requisite amount of work has been dispelled. Whatever objections may be developed in the future, it is certain that all school exercises have been characterized by increased vigor and success. Pupils, realizing that there is now no time to waste, have applied themselves more diligently to their studies. Numberless breaches of order originating in idleness having been obviated, the discipline of the schools has been materially improved. Moreover, since by virtue of the shorter session, more time is allowed for home duties such as the study of instrumental music, errands, and the various acts of service required by parents, there has been less occasion for tardiness and absence, and a gratifying improvement has been already realized in these respects. But perhaps the great-

est advantage of all is that the instruction given has been rendered more effective as the natural consequence of the greater concentration of effort and the more thorough preparation which the shorter hours have compelled on the part of the teachers.

To conclude briefly, it does not appear that the shortening of the session has been at the cost of any important interest. On the contrary, there are assuring evidences that the *morale* of the schools has been much improved, and their efficiency increased.

HIGH SCHOOL.

The senior department of the union school has long occupied a place among the first academies of the State. The clamor lately rife against the free high school has not prevailed in this city to such an extent as to impair its effectiveness, nor curtail the benefits which for many years have steadily flowed from this institution to all classes of society. The great majority of the community have an appreciative sense of the advantages it affords and the excellent standing it has attained under the management and instruction of Asher B. Evans, its able and distinguished principal. The wealthy, who contribute most heavily to its support, bear the burden cheerfully. Those constituting what is termed the medium class attend this department most numerously. They support it heartily; and undoubtedly the larger proportion of those whose scholarly attainments reflect honorably upon the free high school belong to this class. Those whose proportion of the cost of maintaining this institution is but slight, and who would be altogether excluded from its benefits were they not freely bestowed, possess precisely the same privileges as the rich, and, it is believed, avail themselves of the same quite as freely. If other communities are like this as regards the comparative number attending, the statement that the free high school is an institution supported by the poor for the benefit of the rich, is absurdly untrue. So far as the city is concerned the former are, in this respect, largely the beneficiaries of the latter. A noteworthy illustration of this statement is found in the fact that a goodly number of accomplished ladies are honorably and ably filling important positions as teachers in the public schools, and deriving a competence therefrom, whose circumstances in early life were such as to forbid the attainments requisite to their present positions except through the beneficence of the public high school.

The attendance at this department averages about 200, and the prosperity of the institution is attested by the fact that from \$2,000 to \$2,500 is annually received in tuition fees paid by non-resident pupils. According to the statistics contained in the report of the commissioner of education, no other public high school in the State receives so large an income from this source.

SPECIAL TEACHERS.

During the past twelve years, special instructors have been employed to teach some or all of the following subjects, viz. . Pen-

manship, drawing, vocal music, and the French and German languages. The foreign languages are taught only in the high school, where they form part of the academic course. All the other special studies named are taught in the lower as well as the higher grades; the special instructors giving a weekly lesson, which is repeated and supplemented daily by the regular teacher. About a year ago instruction in industrial drawing was extended to the primary department, and it is now regularly given there with encouraging results. It is found that even the youngest school children engage in the drawing lesson with delight and make remarkable progress. The value of this instruction as a means of training the eye, the hand, and the taste, and as a preparation for all the avocations of practical life, cannot be controverted.

I sincerely regret to report that, during the current year, special instruction in vocal music has been discontinued, owing to the failure of the special teacher and the board of education to agree upon the terms of compensation. I desire to emphasize the assertion that the discontinuance was in no degree due to a lack of excellent results in this department. On the contrary, its pre-eminent success was not only unanimously conceded by the board and the community, but was widely recognized in other cities and States. Those children who entered school during the continuance of this department will not, in future life, be able to remember a time when they could not sing by note; while in the higher grades pupils had attained a proficiency in the science of music beyond that of most church choirs. Perhaps the greatest benefit resulting from musical instruction, as given in the public schools of this city, was that which cannot be expressed in dollars and cents, namely, its quiet but certain effect in refining the characters and elevating the morals of children. It is certain that it greatly aided in government, obviating friction, affording recreation, and not only rendering school a purer, happier place, but extending its benign influences to nearly every home in the community.

REFORM SCHOOLS.

Perhaps the most important problem in school management needing to be solved at the present time is, how may the benefits of education be extended to the depraved classes of society without contaminating the other classes. It is well known that in many communities, especially in cities, there are children either attending school or needing to attend, who belong to families in the lowest depths of degradation, who have breathed an atmosphere of immorality and lived in squalor since the day of their birth. Our liberal system of public instruction invites and even attempts to compel this class to attend school and mingle unrestricted with children of moral and refined parents. They occupy the same class room, play on the same grounds, and sit upon the same seat. Now it is the glory of our system that it affords equal and ample privileges to

poor and rich, exercising in this regard no respect of persons. And further, every wise effort to lift the degraded out of their degradation is to be lauded. Nevertheless, the indiscriminate commingling of the vicious and the virtuous, the morally healthy and the morally diseased, the vile and the pure, cannot exist without contamination. Some are, indeed, reclaimed from vice, but more are lost to virtue. The best methods of school government possible under the present system have failed to wholly overcome the corrupting influences of the depraved. Where such influences predominate, as we must admit they do in some instances, moral defilement is inevitable; and parents who desire to protect the morals of their children will justly condemn the public schools unless these influences can be removed.

The only remedy for this defect would seem to be a system of reformatory schools, to which the class referred to might be sent, and in which the proper instruction might be combined with disciplinary measures more rigorous than are practicable in the ordinary public school. If all vile youth and those defiant of authority, that now attend the public school, could be gathered together, instructed and disciplined in reform schools, the advantages that would ensue to society and public education can hardly be overestimated. Moreover, such a measure seems to be the only one that would render compulsory education practicable or justifiable.

BOARD OF EDUCATION.

By the special law under which the school system of Lockport is organized, the whole city is constituted a union school district comprising seven "primary school districts." Each primary district has one representative in the board of education, and the union district at large has five, making twelve members in all. The founders of the system wisely designed that the board should be a non-political body, and the plan of organization devised by them has proved effectual in accomplishing that purpose. As members from primary districts are elected in September, and those from the union district early in October, it is practically true that no school election occurs in this city during a political campaign. These elections being thus removed from political influence, in fact, taken out of the province of politics altogether, members of the board are generally chosen with reference to their fitness to exercise educational control. And as they have no political obligation to discharge, they are left to the conscientious exercise of their functions as school officers, untrammelled by any political consideration whatever. It is not strange, therefore, that since the organization of the board its councils have never been disturbed by any political issue. This non-partisan character of the board has given it a secure place in the confidence of the people. There has hardly been a time when its membership did not include some of the foremost citizens of the place, and the schools of Lockport have enjoyed, in a rare degree, the services of a board of education wholly devoted to their interests.

CONCLUSION.

The average daily attendance of pupils for the year 1879-80 was 1,556; the average number of teachers employed, exclusive of special teachers, was 41; the average number of pupils in daily attendance per teacher was 38. The average expenses *per capita*, based on the average daily attendance, were as follows: Supervision and instruction, \$14.33; contingent expenses, \$3.69; total, \$18.02. Owing to the sickness which was very prevalent among children in this city, during the year, the average daily attendance was about one hundred less than it otherwise would have been, and the average expenses *per capita* were therefore larger than ordinary.

In the condition of public instruction in this city there is much that is gratifying and encouraging. The improvements that have been made during the past season cannot be otherwise than substantial and beneficent. The same wise, liberal and progressive spirit which has prompted the board of education to adopt these, gives promise that in the future no measure will be omitted which seems wisely devised to promote the usefulness of the public schools in this community.

Respectfully submitted,

ARTHUR A. SKINNER,
Superintendent.

LOCKPORT, December 15, 1880.

ONEIDA COUNTY—FIRST DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In compliance with your directions, I respectfully submit the following report of the condition and needs of the schools under my supervision.

This commissioner district comprises five towns, viz.: Deerfield, Floyd, Marcy, New Hartford and Whitestown. The whole number of children of school age residing in the district September 30, 1880, as given in my statistical report, was 4,290, an increase of 80 over the previous year. The average attendance was 1,453, a decrease of 73 from last year. The average daily attendance in district No. 12, New Hartford, was one-fourth smaller in 1879, owing to the re-opening of the cotton factory in Washington Mills, where the school-house is located. The changes in the other districts were but slight. Of the five towns in this district, four are adjacent to the city of Utica. As a consequence, quite a large number of the older children from these towns, especially Deerfield and New Hartford, are attracted to the city schools. In district No. 2, Deerfield, there were, on September 30, 1880, 261 children of school age. Of this number, only 144 were registered

as having attended the district school some portion of the year. One private Catholic school of high standing, registering 32 pupils, was maintained in the district; and of the 85 children of school age who did not attend the public or private schools, it is probable that nearly one-half were pupils of the Utica schools. The school-house is brick and, though comfortable, is not large enough to accommodate one-third of the children in the district. With a commodious building and a first-class teacher there is no reason why the average attendance could not be tripled.

The following statement, taken from my financial report, shows the receipts and expenditures for the year:

RECEIPTS.

Apportioned to district from State funds.....	\$8,527 02
Raised by tax.....	7,548 94
Teachers' board (estimated).....	137 00
Other sources not named.....	127 11
Amount on hand October 1, 1879.....,	968 04
Total	\$17,308 11

PAYMENTS.

Teachers' wages.....	\$13,628 04
Libraries.....	127 76
School apparatus.....	97 00
School-houses, sites, repairs, etc.....	1,068 77
Incidental expenses.....	1,309 89
Amount on hand September 30, 1880.....	1,076 65
Total	\$17,308 11

The inhabitants of district No. 4, Marcy, have purchased a large and pleasant site and erected a convenient school-house. A new school-house has also been built in district No. 6, Deerfield. The old building was destroyed by fire nearly two years ago. Difficulties arose concerning the feasibility of providing new accommodations. Several meetings were held, and finally a motion to build prevailed. The school was opened in June last, and continued fourteen weeks with only three pupils in attendance, though there were twenty-three children of school age in the district. I have endeavored to conciliate the opposing factions to the end that the school might receive their unanimous support, but I must acknowledge that I fail to discover any decided change. The question of building new school-houses has been agitated in district No. 7, New Hartford, and districts No. 2 and No. 7, Whitestown. Four teachers are employed in No. 2. The building is valued at \$2,000, but during some portions of the year more room is needed. To build a new school-house costing from \$6,000 to \$10,000 would be but a trifling expense to the large number of tax payers, as the assessed valuation of property is \$325,707. I think public sentiment

will soon be strong enough to carry this plan into effect. The school could then be properly graded, and the attendance would thereby be largely increased. The school-house in No. 8 is in a very dilapidated condition and will probably be replaced by a new one next year.

Sections 1, 2, 3 and 5 of the law relating to compulsory education are almost wholly ignored. In the village of New York Mills there are three school districts, and each of these contains a large cotton factory. The trustees' reports show that on September 30, 1880, there were 726 children of school age in the three districts. Of this number, 294 are 15 years old and over, and 432 are under 15 years of age. The number of children between 8 and 14 years of age is 260, of whom 114 attended public or private schools at least 14 weeks during the year. Notwithstanding the provisions of the law, there were no prosecutions for violations of the compulsory act. What is true in this particular in New York Mills is true throughout the commissioner district. The law is a dead letter. Even where trustees would enforce it, they find it impracticable if not impossible, being unable to provide proper accommodations for all persons embraced by the terms of the law. New York Mills has tried it and failed.

Concerning the apportionment of the public moneys, I would suggest that the amounts now apportioned according to the number of children of school age, and the daily average attendance, be apportioned according to the aggregate attendance. In 1879, the average daily attendance in district No. 12, New Hartford, was 41; the aggregate attendance, 7,219; and the number of weeks school was kept, 36. In district No. 2, Deerfield, the average daily attendance was 31; the aggregate attendance, 5,890; and the number of weeks school was kept, 38. The amount of public money received by the former was \$184.90, while the latter received \$264.18. The difference was due to the fact that the number of children of school age in No. 2 exceeded those in No. 12 by 140. Again, some of the schools are maintained for 40 weeks or more during the year. Frequently in such cases, the attendance largely decreases toward the close of the terms, thus affecting the average daily attendance. This fact alone often leads trustees to hold shorter terms of school than they would if the public moneys were apportioned according to aggregate attendance. If this plan should be deemed inexpedient, I think the law should at least be so modified that the money now apportioned according to average attendance would be apportioned according to aggregate attendance.

During the past year, I have made 123 visits to the 57 schools in my district. From these visitations, I am satisfied that there has been great improvement. The most noticeable deficiencies that have come under my observation are in management and methods of teaching. The teachers under my directions are gradually introducing improved methods, and with good results. The importance of object-lessons seems now to be recognized by nearly all teachers. I have earnestly advocated the word-method, and it has been

adopted in nearly all the schools. Teachers are beginning to see the necessity of more practical work, and much time that was almost uselessly spent in studying technical grammar is now profitably given to language lessons. Some of the methods are difficult to introduce, owing to the objections of trustees or parents; but the earnest, persistent teacher often overcomes these obstacles, gaining not unfrequently the esteem of those who opposed him. Teachers themselves, through lack of experience, sometimes imperfectly carry out the instructions of the commissioner. On the whole, however, the use of improved methods in the schools, during the past year, has been attended with tolerably satisfactory results.

Of the whole number of teachers that I examined, I licensed $63\frac{1}{2}$ per cent. Following is the number of certificates of each grade: First, 4; second, 17; third, 88; total, 109. I have held frequent public examinations, and proposed thereat oral and written questions. These questions embraced reading, spelling, writing, arithmetic, geography, grammar, civil government, general history, methods, school law, composition, map drawing, news of the day, algebra, natural sciences and general literature. Only candidates for licenses of the first grade were examined in the last three branches. Upon assuming the duties of my office, I announced that I would grant certificates only upon examination. To this position I have firmly adhered, and though at first there was considerable opposition, I think the people are now beginning to perceive the benefits arising from such a course. True, some "old" teachers, failing to pass satisfactory examinations, have been obliged to retire from the field; but their places have been supplied by those better prepared to do efficient work. On the other hand, experienced and successful teachers have given up the profession to engage in more lucrative employment. The meager wages paid in many districts render it almost impossible for trustees to secure good teachers. The pay low wages and consequently get poor teachers—a dear investment. The average wages paid teachers of summer schools in Deerfield, Floyd and Marcy were, respectively, \$5.31, \$3.97, and \$4.70. Is it to be expected that the greatest results can be achieved when teachers work for so small a compensation? School officers are not wholly to blame for this condition of affairs. Teachers frequently underbid one another, and trustees, eager to reduce the expenses of their districts, hire the lowest bidders. I have called attention to this matter, and in many cases steps have been taken in the right direction. When teachers know that superior qualifications will be recognized and fair wages paid for labor, then will they strive to gain high honors in their profession.

Two institutes were held in this county during the year. The spring session was held at Utica, and was ably conducted by Professors Henry C. Northam and Charles T. Barnes. The fall session was held at Rome. Professors John Kennedy and R. E. Post were the instructors, and that their work was practical and duly appreciated was fully attested by the marked attention of more than 300 teachers.

I believe the teachers' institute to be an important factor in our educational system, and it should everywhere be encouraged. It presents to teachers the best improved methods, and enables them to make steady advancement in school-room work. Trustees and patrons of the public schools, recognizing the efficient work of the institutes, frequently visit them with a view of selecting good teachers. In many instances, however, poor teachers fail to profit by the instruction given at institutes, preferring rather to stay at home. To this class I never recommend trustees.

A new feature in connection with the fall institute in this county was "trustees' day." A goodly number of trustees and teachers were present, and school law, the duties and powers of trustees, and other subjects were freely and profitably discussed by conductors, commissioners and trustees. The initiative step more than met the expectations of the commissioners, and the assurances of support from school officers seem to warrant the continuance of this new work.

Regarding the normal schools, I have had occasion to recommend but very few persons as suitable candidates for admission. With few exceptions, the normal graduates who have taught in this district have ranked among the best teachers.

In the village of New Hartford there are two private schools, and also two in Whitesboro, each ably conducted. Deerfield has one to which I have elsewhere alluded. Whitestown seminary, with which the late Dr. James S. Gardner was connected for more than a quarter of a century, was in June last placed under the direction of Rev. Dr. M. E. Dunham, of Johnstown, N. Y. No better man could have been called to the principalship. Wide influence and great determination are among the characteristics which, I doubt not, will make his administration successful. Joseph W. Ellis, A. M., has for several years been the able professor of higher mathematics and Latin in this institution. Students under his instruction never fail to admire his wonderful ability, and do more than respect him for his pleasant manner and untiring efforts for their welfare. The faculty of the seminary consists of six teachers. Diplomas are awarded in the following courses: Musical, scientific, classical, commercial, ladies' collegiate, and English. The best modern text-books are used, and the institution is furnished with astronomical, chemical and philosophical apparatus, together with numerous geological and anatomical charts. Of the classical graduates nearly all continue their studies at Hamilton college.

In conclusion, I would sincerely thank school officers and citizens for their kindness and hospitality; teachers for their hearty co-operation, and especially would I acknowledge the many official courtesies shown me by the Department of Public Instruction.

I am, very respectfully yours,

FRANKLIN P. ASHLEY,
School Commissioner.

WHITESTOWN, November 15, 1880.

ONEIDA COUNTY—SECOND DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR. — In compliance with your request, I respectfully submit the following report :

This commissioner district consists of eight towns in the southern part of Oneida county, viz. : Bridgewater, Sangerfield, Paris, Marshall, Augusta, Kirkland, Vernon and Westmoreland. It contains ninety-one common school districts, the school-houses of which are in this commissioner district, twelve joint districts having school-houses in adjoining counties, and six union free school districts, two of the union free schools having academic departments.

The number of children of school age, as given in my statistical report for the past year, was 6,831, a gain of 13 over the previous year ; the number of children of school age, who attended school during some portion of the year, was 4,979, a loss of 95 since the year before ; the average attendance was 2,700, showing a falling off from the year before, of 147. This I attribute to the prevalence of measles, whooping-cough and other contagious diseases, which in some neighborhoods nearly broke up the schools.

I have visited each of the schools in this district twice, and a few of them three times within the past school year, averaging one-half day to each teacher or school department.

My impression is that the schools of this district, as a whole, are improving. Several school-houses have been extensively repaired, one new one built, and four furnished with modern furniture. Although there are many more school-houses in this district that should undergo thorough repairs or be replaced with new ones, and nearly every one of our common schools are lacking in school apparatus, wall maps and the like, I think there is a growing interest on the part of the people in school matters, and that the neglect the schools have suffered for some time is owing to hard times rather than any dissatisfaction with the present system of school management.

I have granted 137 licenses in the last school year. Of these, 12 were of the first grade, 51 of the second, and 74 of the third grade. A few certificates were given on good work in teaching, the others were given on a written examination with some oral work, and, in addition to the examination, some successful experience in teaching was required for the first and second grades. I have held public examinations at some one of the principal school-houses in each town of this district twice within the past year. I am of the opinion that quite a difference exists in the educational qualifications required by different commissioners, and how it can be obviated I am unable to decide. This would be a good question for discussion at our next annual meeting. A uniformity should be arrived at, if possible.

I am of the opinion that the public money apportioned for teachers' wages, except the quotas for each teacher, should be apportioned on the actual attendance. I believe this would stimulate tax payers to do more to make school attractive to those that are exempt.

Of the \$231.84 library money apportioned to this district, only \$57.08 was used for library purposes, many trustees taking the liberty to use the library money for teachers' wages in cases where it exceeded \$3.00. Many district libraries in the way they are kept are almost worthless. If the money could be used for furnishing the schools with dictionaries, wall maps and the like, much good would be the result.

As to school district boundaries, they are so well defined in this district, although no permanent record is made of them, that very little if any trouble from that source has come to my knowledge. Occasionally I hear from some person who is desirous of being set out of a district in which the taxes are high, into an adjoining district that is able to pay the teachers' wages with the public money.

A majority of the common schools change teachers each term. I find, however, that twenty-three of the schools of this district employ their teachers by the year. The result is a marked improvement over the method of changing each term, which, in my opinion, accounts for much of the low condition and want of interest in school matters. In many districts little regard is had to the qualification or experience of the teacher, the idea being to keep the taxes down. I am pleased, however, to notice a change in this respect. Several instances have come to my knowledge of trustees requiring a better grade of teachers than heretofore. Many young persons that have not made any special preparation are attracted to the business of teaching as a make-shift, the pay being of little account provided they can live at home, their object being to look up something more lucrative. School meetings are packed, trustees are elected for the express purpose of giving such persons employment. Such competition is detrimental to the worthy teacher, and many who have made some proficiency are driven into other pursuits.

As to the general condition of the public schools in my district, I can say that the union schools are doing a good work, the union school at Waterville being able to compete successfully with academies and other high schools of the State, in the inter-academic union held in Albany last July. These union schools have supplanted the academies and private schools in the places where they have been organized. In fact, these schools supply the surrounding country with teachers. But for them we should have no source to draw from.

The common school, however, needs a radical change in the matter of providing good, well ventilated school rooms, ample playgrounds and necessary school apparatus. But as I before remarked, I think I can discover a tendency to better things. It is slow, however, in developing, and like a luxury instead of a necessity, it is too much the subject of the financial condition of the country.

Two institutes were held in this county the past year. The spring session was held in the court house in Utica, commencing April 5, and continued five days. It was ably conducted by Professors H. C. Northam and C. T. Barnes. It was regarded as a success in point of attendance and interest. The fall session was held at the court house in Rome, commencing October 11, and continued five days, with a trustees' day on Saturday. The conductors were Professors John Kennedy and R. E. Post. The attendance, though not so large as at some former institutes, showed a better average daily attendance of teachers that remained through the term than any institute held in this county within the past two years. This, no doubt, was due to the able and interesting manner in which the institute was conducted.

A few trustees were present on the day set apart for them. They manifested much interest in the lectures given them by Professors Kennedy and Post, on matters pertaining to schools, school law, etc. Commissioners Griffith and Ashley added much that was of interest to them.

Institutes are held to be of much benefit by most teachers, and were trustees and school patrons more liberal, they would be more generally attended. There are few trustees, however, that will willingly allow their teachers wages for the time thus spent. The work of the institutes of this county shows itself in the superiority of the teaching of those that attend the institutes and those that read educational periodicals. As a class they are live, energetic teachers, while those that cannot afford such educational training are liable to fall into ruts, and do little but rote work.

As to normal schools, there is a feeling in this district that they are only of a local benefit, and that even in the districts that are fortunate enough to possess them, their benefit consists in furnishing free tuition, rather than in fitting young men and women for a career of teaching. In my judgment, they are not accomplishing the work designed by the Legislature. I did not have a graduate last year teaching in my district. I had, however, four or five very excellent teachers that have had the advantages of two or three terms in some one of the normal schools of the State. They showed very decidedly the superiority of their training in their teaching. It has been urged as an argument that our schools do not afford sufficient inducement to attract normal teachers; that they are better paid elsewhere. Be that as it may, there are several schools in this district in which normal teachers could have found situations this present term, schools in which teachers are paid according to the service rendered.

As to the private schools and academies, I have not had an opportunity to visit many of them. In my statistical report I find six private schools in this district; one in Augusta with 20 pupils of school age; three in Kirkland with 115 pupils, and two in Paris with 112 pupils. Those in Kirkland are in the village of Clinton. They constitute quite an element. They, with what the district school

can do, have the business of educating the masses. Whether it is as well to educate them in so many different schools is a question I am unable to decide.

In conclusion, let me thank the Department for favors often received.

Your obedient servant,

JULIUS M. BUTTON,

School Commissioner.

DEANSVILLE, November 27, 1880.

ONEIDA COUNTY — THIRD DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—I have the honor to acknowledge the receipt of your circular dated Albany, July 20, 1880, directing a general report upon four different topics therein specified, and I make such report as follows :

My annual statistical report heretofore forwarded to the Department is referred to for a condensed statement of the work done by me as school commissioner of the third district of the county of Oneida.

During the past school year, 216 teachers have applied to me for examination and for certificates. These I have examined in accordance with the principles hereinafter mentioned, and out of this number, 176 were given certificates of different grades. Every one of the schools in my district I have visited twice during the past year — once during the winter term and once during the summer term — and many of them, when in my judgment it was necessary, I have visited three and four times.

In my examination of teachers, I assume that every one asking to teach is not open to the charge of immorality. After this, the applicant's ability to teach, in my judgment and in my examination, is made to depend, *first*, upon the ability to govern. Without the power to keep order in school, and that too, *generally*, without a resort to the rod, nobody is fit to teach. *Second*, familiarity with *principle*. *Third*, the ability to *impart* knowledge and to rouse the pupil to *think* and *reason*, and finally to ascertain in writing, as far as possible, the applicant's acquirements in the ordinary branches taught in common schools: reading, penmanship, orthography, arithmetic, grammar, geography, etc. The foregoing is my method of examining teachers. I have no suggestions to make in regard to any improvements upon other methods. From my official visitations among the 99 schools in my district, I note the following in regard to the condition of these schools:

There is a marked and gratifying improvement in the qualifica-

tion of the teachers and in the regularity of attendance at the schools, especially in the rural districts. This is one of the most encouraging facts that can be mentioned in connection with the prosperity of common schools. And yet a reference to my statistical report will disclose the fact that in the *five* towns composing this district there are 2,780 children of school age who have not attended school during the past year. This is very much to be deprecated. The State of New York, great as she confessedly is, cannot afford to have so large a number of children of school age stay away from school. The Legislature has manifestly been of the same opinion, and has tried to remedy this evil in the passage of what is known as the compulsory school law. But this law is practically a *dead letter*. It is not enforced.

I have regarded it in the past, and shall continue to regard it in the future, as one of my specific duties to bring as many children into the schools as I possibly can. Another encouraging fact may be mentioned. That is, the very marked improvement in the *order* maintained in the schools in this district. No school can be efficient for any good or profitable purpose, unless perfect order be maintained at all times. I may mention, also, that the manner in which this order is secured is another indication of the improved condition of the schools in my district. Although corporal punishment is not altogether abolished, nor do I recommend that it should be at present, it is not often resorted to. A fair appeal to the better nature of the pupil, and, if necessary, to that of the parent, also, rarely fails to produce the desired result.

There are a few instances, however, when both pupil and parent seem to be destitute of *better* natures. In such cases, I have recommended an application of that most admirable provision of the school law which authorizes either the trustee or teacher to make complaint before any magistrate in the county, and have any person who willfully disturbs or disquiets any school, arrested and summarily dealt with. I have had occasion to recommend this remedy in one or two desperate cases, and the cure was instant and complete, and I have no hesitation in saying that when *reason* fails — law, which is founded on reason, will do the work perfectly. And together they will at no distant day entirely obviate the necessity of resorting to the rod. Another fact showing the improved condition of the schools in my district is that the teachers manifest more interest in their work. They teach as if that was their profession, instead of a temporary expedient to kill a little time and raise a little money. They show less haste to get through the days or weeks or months or term, than formerly — more care, more thoroughness than heretofore. They aim more to address the understanding of their pupils, than to merely make wordy parrots of them, and there is more inquiry among them as to the best means and best places to increase their own efficiency in discharging the duties of their profession.

It is comparatively easy to obtain specific or general information

enough to make good teachers, but it is often, and in a great majority of cases, exceedingly difficult for persons having this information to *teach* and *teach well*. This difficulty the Legislature has intended to meet in a large measure, and ultimately, perhaps, entirely to obviate by our State normal and training schools and teachers' institutes. The normal and training schools are of course not so numerous, nor so numerously attended as the institutes. They accommodate those who aspire to become good teachers and have the time and means to attend them a full term or more. The institutes, on the other hand, are more numerous and more popular, and accommodate those who desire to be good teachers, but who have neither the time nor the means to take a regular course of instruction at the more expensive, more exclusive, but more thorough normal and training school. The thought of abolishing either of these institutions ought not to be entertained for a single moment. They are undoubtedly accomplishing the work they were intended to perform, and the State can make no better investment of its money than it is doing in making appropriations for them.

If a suggestion would be in order in regard to *one* branch of the school law under which appropriations are made, it would be to *entirely abrogate the law under which appropriations are made for school district libraries*. In ninety-nine out of every one hundred cases these libraries are of no practical value whatever. They are essential *nuisances* — and this is the estimation in which they are generally held and judged. A glance at my statistical report almost conclusively shows this. It will be found there that in some instances a library of 100 volumes is valued at \$100. In others, the same number and kind of books, and in the same order, are valued at \$75, \$40, \$25, and I think in one case as low as \$10. These books are not read; they are simply *destroyed*. The people for their miscellaneous reading depend upon the newspaper, the magazine and the numerous fresh, living publications that are so cheaply and so thickly scattered through the country, and *not at all* upon these fossils of our district libraries whose dusty covers have not seen the sunlight for a quarter of a century. What shall be done with them, is it asked? Clean them out, and in their places put practical and *uniform text-books for school children*. Let the avails of these libraries, if they can be made available at all, and the appropriations made for them and *any other necessary appropriations*, be taken to place a *library of school text-books* of entire uniformity throughout the State in every district school-house; the teacher to be the librarian, and the trustee never to give the teacher an order for wages until the library is examined and every book found there and in good order. The teacher or the trustee, of course, to have ample power to make those who injure, lose or destroy books, respond in damages, as for a trespass, or replace them — and no property to be exempt from execution on a judgment therefor. And this directly leads to another

suggestion, namely, uniformity of text-books in district schools. We must reach a uniformity of text-books in our common schools before teaching can reach its highest efficiency. There can be no thorough classification without such uniformity.

One principal reason why our normal and training schools and teachers' institutes are capable of accomplishing so much valuable work for the cause of education, is because their pupils are completely classified, which can only be done where there is a uniformity of text-books. And a teacher coming from one of these schools, where he *has been* taught, and has taught in classes, and going into any of our common schools where thorough classification is impossible, because of half a dozen or more different text-books for each branch taught, is shorn of one-half of his strength. This diversity of text-books and the expense attending it are about as good a cause of complaint among teachers as the old Rate Bill used to be among poor parents with large families. The one has gone to oblivion. Let the other, hand in hand with old libraries, go with it, and let both be buried there. I know of no better way than the one suggested.

In addition to my duties as school commissioner, in visiting the common schools in my district, which, according to law, is made my duty, I have also visited several other schools which technically may not be said to be under my supervision. There are of such, in my district, the following:

The Rome Free Academy was organized in 1869, and has been constantly in operation since. There are a principal and four assistants employed. The whole number of academic students attending there, during the year, is 100. Of these, 55, upon an examination, received a Regents' certificate. From my observations in regard to this academy, and my acquaintance with it, I should be of opinion that it is justly entitled to a high rank among other institutions of its kind in the State. I may say, without any hesitation, that this academy is doing a good work for the cause of education, and the appropriations made to this institution are well made.

There are also several private schools in my district, not of as high grade as the academy, and not under my supervision, but which I have visited. One a branch school of a Roman Catholic institution, situated at or near Montreal, Canada, called the "Sisters of Jesus and Mary." This at Rome is called "St. Peter's Academy." It employs six teachers, has a registered attendance of 100, and an average attendance of 60. They have 44 weeks school in the year, teach vocal and instrumental music, painting, drawing, needlework, and all common and higher branches in English, also Latin and French. This school is liberally patronized by many Protestant families in this city, and is doing good work.

There is also connected with the Roman Catholic church here a parochial school, employing two teachers, and having an average attendance of 160 — number of weeks taught during the year, 44. The church educates these children until they arrive at the age of

12 years, and then they are allowed to attend any school they or their parents desire. It is easy to see that this school is also doing an excellent work for the general cause of education.

There is also a parochial school connected with the German Roman Catholic church — St. Mary's. There are three teachers employed — have 40 weeks school — an average attendance, during the last year, of 140.

The ordinary branches taught in our common schools are taught here, in the English language. German is also taught, and many of the pupils read readily in both English and German. Many pupils of this school pass directly to the Rome Free Academy, and are as efficient as any who appear there from any school. It is under the direct supervision and direction of Father Smith, the pastor of the German Roman Catholic Church. He devotes a large portion of his time to the school, and has manifestly entered upon a course of generous rivalry with the public city schools, and has determined to make this school second to none of its class.

There is also what is called the "Kindergarten School" in this city. This school is in the third year of its existence. It was founded by Miss Marietta Wood, who now has two assistants. It has 40 weeks school during the year, with 32 registered pupils, and an average attendance of 25. The pupils range from $3\frac{1}{2}$ to 10 years of age. The system is unique and very attractive, as plainly appears from the very large average attendance. It is said, and I have no doubt of its truth, that the children would rather be in this school than in the street, and if this be a fact, and I think it is, the sooner the "Kindergarten" system becomes generally known and adopted, the better it will be for schools and the community at large. It will destroy an evil which the legislative power, in its compulsory school law, has striven in vain to accomplish.

With the experience that I have had, it is my deliberate opinion that the office of school commissioner is not second in its importance to any other local office in the State. To properly discharge its duties requires more than ordinary natural ability, together with more varied, extensive and accurate information upon the ordinary branches of practical knowledge than any other local office that I now call to mind.

The average number of schools in each commissioner district is about 100. These should be personally visited twice in each year, once during the winter term, and once during the summer term. This necessitates from 700 to 1,000 miles of actual travel every year. In addition to this, each town should be visited at least twice every year for the examination of teachers. And further, there is scarcely a day in which the commissioner is not called upon to transact some kind of business connected with his office, and the number, importance, variety and intricacy of the questions presented to the commissioner for his decision, many of them, in fact most of them, purely *legal*, equal, if they do not often exceed, those presented to the county judge of most of the counties in this State for their

solution, but I have never yet heard of a proposition to abolish the office of county judge.

All of which is respectfully submitted.

JONAS W. ARMSTRONG,
School Commissioner.

ROME, *November 22, 1880.*

ONEIDA COUNTY—FOURTH DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—Responding to your circular of July 20, I have the honor to submit the following special report:

I. MY WORK.

I have given absolutely all my time and energies, since January 1, 1879, to the various branches of my commissioner work. During the past year, I have made 266 official visits to the 131 schools in my district, averaging between two and three to a full day's work. These have not been equally distributed; but the needs of the different schools have guided me in my visitation. In a few cases trustees have accompanied me; but in most cases time required to persuade them to go, and their incapacity for judging the school when there, have led me to give up much effort in this direction. Correspondence and conversation have been used at all times and places to arouse interest in the schools.

During the last summer, with slating, brush, and sand paper carried in my buggy, I have slated 18 blackboards. In most cases the trustee, in a few cases the teacher, has paid me the cost of slating used.

No. 3, Forestport, has, this fall, built, and No. 2, Stenben, is now building, new, commodious, and comfortable school-houses.

September 3, 1880, I wrote to 17 districts, requesting them to agitate the question of repairs upon school-house until school meeting, and then bring it to a decisive vote. Of these, 9 repair extensively, 3 decided not to repair, and from 5 I have not heard. The above 17 were only the poorest school-houses, and in districts well able to furnish better ones. Upon some others, I expect to move next summer. Arguments, requests, my legal power, make up the sequence used to bring about this result.

Alterations of district boundaries have been made in two cases only; and one district, No. 22, Boonville, has been annulled because no school has been supported in it for over five years.

In response to circulars issued by me, a large number of teachers met October 4, 1879, and organized "A Teachers' Association for the Fourth Commissioner District of Oneida county." Although this was an entirely new move for the county, at our first regular meeting over 100 teachers were present, and 80 joined the association. We have met quarterly since, and each meeting has been an improvement over its predecessor. Papers and discussions upon phases of practical school-room work have occupied the whole of our sessions. At our last meeting "A course of study for district schools" was presented by the commissioner, discussed, adopted, and recommended for use by the association. We hope for good results from it.

The examining and licensing of teachers I believe to be by far the most important and difficult part of a commissioner's work, as well as the part most vital to the well-being of his schools. Here it requires the clearest brain, the deepest knowledge of human nature, the fullest appreciation of the wants of each school, the most just decisions, the calmest behavior, and the most resolute firmness under fire. Such has been my ideal. To say that I have always attained that ideal would be but idle boasting, unsustained by facts. How well or poorly I have done let the following facts decide. From the start this has been, with me, one unalterable rule and practice: "No certificate given, renewed, or indorsed by me except upon a satisfactory examination."

Realizing the injustice of calling teachers unexpectedly to a severe examination, the first spring I submitted questions which, in my judgment, would allow to pass enough of best teachers to fill the schools. For comparison I submit a copy of an average set of questions used at examinations, spring of 1879:

FORENOON.

1. PRELIMINARY.

1. Give full name, address, age, terms taught, and where educated.
2. Did you attend the last county institute? If so, what time were you present?
3. Do you take any educational magazine?
4. Have you any plans in reference to your future education? If so, what?
5. Do you promise, if allowed to teach, to do faithfully all within your power for the advancement of your particular school?

2. READING.

- 1-2. What is accent? Emphasis?
3. What is the rhetorical pause?
- 4-7. Name four cases requiring rising inflection?
8. What kind of passages require low pitch of voice?

9. Would or do you have a child learn letters or words first?
 10. About how long a lesson would you assign to a class in 4th reader, for a 30 min. recitation?
 11-15. Read passage selected by commissioner.

3. SPELLING.

Correct, where wrong, the spelling of the following words, and state, as far as you can, the reason for any change you make.

- 1-10. (1.) Begary. (2.) Confered. (3.) Profited. (4.) Blameable. (5.) Changeable. (6.) Requirement. (7.) Housless. (8.) Giddyness. (9.) Cityes. (10.) Griefous.

11-15. The spelling of all written examination work will be taken into account in determining qualification of applicants.

4. ARITHMETIC.

1. Write in Roman notation the present year.
 (2.) Define multiplication. (3.) A fractional unit. (4.) A compound number. (5.) Percentage. (6.) A tax.
 7. Can the multiplier ever be a concrete number?
 8. Find the least common multiple of the 9 digits.
 9. Reduce $4\frac{7}{8}$ to an improper fraction, and analyze.
 10. In adding fractions, why must you first reduce them to a common denominator?
 11. A horse and wagon cost \$222 $\frac{3}{10}$. The horse cost $1\frac{2}{3}$ times as much as wagon. What was the cost of each?
 12. Change 14 lbs. by avoirdupois weight to Troy weight, and give reason for method used.
 13. Reduce 295218 in. to integers of higher denominations.
 14. Prove your work for 13th example.
 15. From $\frac{1}{4}$ a. take $\frac{3}{8}$ rood.
 16. What is the difference in time between places separated by $87^{\circ} 30'$ of longitude?
 17. Give reason for rule used in solving 16th example.
 18. I receive \$21.15 for collecting \$8,460. What is the rate of commission?
 19-20. Find amount due February 10, 1879, on following note:
 \$700. BOONVILLE, N. Y., Aug. 1, 1876.

One year after date, for value received, I promise to pay Wm. Winters or order, seven hundred dollars with interest.

CHARLES SUMNER.

Received on above note June 1, 1877, \$90.

AFTERNOON.

5. GEOGRAPHY.

- 1-3. Give three proofs of the earth's rotundity.
 4. What is the longest circle that can be described on the surface of the earth?

5. Why is it colder in winter than in summer?
6. What is a water-shed?
7. Why is the climate of England milder than that of New York State?
8. Name the leading three industries of men.
9. What is the situation of places having the same length of day and night that we have?
10. Which has the greater area, France or Texas?
- 11-13. Name largest three cities in United States west of the Mississippi river.
14. Where is Afghanistan?
- 15-16. Name a sea and a bay tributary to the Indian ocean?
- 17-20. Draw an outline map of New York State, as nearly as you can, on scale of 1 inch to 100 miles. Locate and name the capital, the largest three cities, and the three principal rivers wholly within the State.

6. GRAMMAR.

- 1-3. Give three rules for use of capitals.
4. What is a derivative word? Give example.
- 5-7. Write the plurals of *cargo*, *analysis*, *Mr. Brown*.
8. Decline the second personal pronoun.
9. Compare *happy*.
10. Compare *bad*.
- 11-12. Write sentences illustrating the proper use of the words "set" and "sit."
13. Analyze or diagram the following sentence: "That we shall yet conquer our lost birthright, is my firm belief."
Correct, give reason for correction and parse the words corrected in the following sentences:
- 14-15. "Who do you think I saw this morning?"
- 16-17. "Neither he nor I were there."
- 18-20. Re-write, with needed corrections as to arrangement, capitals and punctuation, the following letter:
baltimore feb 10 1872 dear father i have just returned from washington where i spent two days very pleasantly i visited the capitol and saw mr brown's cousin charles sumner who is one of the senators from massachusetts and many other illustrious men in haste good bye your affectionate son john kennedy.

7. MISCELLANEOUS.

1. Why was the Western Continent called America?
2. How many States rebelled from the Union in 1860?
3. What was the last territorial acquisition made by the United States?
4. Name the last important treaty made in Europe and the three nations most interested.
5. Who is at present the governor-general of Canada?

6. How many United States senators now compose a full Senate?
7. Of what does the New York State Legislature consist?
8. Give name and address of your supervisor and town clerk.
9. What pupils are entitled to free tuition?
10. Who has sole power to exclude a pupil from school?

Result of examinations, spring of 1879:

Number of different persons examined	166
Number of different examinations made	188
Number of certificates given, first grade	1
Number of certificates given, second grade.....	10
Number of certificates given, third grade.....	78

Total	89
Number examined who had never taught	71
Number licensed who had never taught.....	13
Number reported as subscribers to educational papers.....	17
Number reported as not subscribers to educational papers	149
Average standing of those licensed.....	77 per cent.
Average standing of all examined.....	66 per cent.

Step by step, from one examination to another, but always after due notice, I have added to the subjects of examination and the comprehensiveness and thoroughness of questions propounded, until my last examination embraced reading, spelling, arithmetic, geography (with attention to map drawing and local geography), grammar, penmanship (by system), U. S. history, civil government, school law, news of the day, methods of teaching and school management. For first grade certificates, in addition to above, algebra, elementary science, English and general history. For each new certificate or renewal I require a new examination. For these, *improvement* is the basis of certificates as much as absolute qualification. To show the advance during the year and a half in standard required for certificates, as well as to show what my teachers have done, I also send an average set of questions used in fall of 1880.

EXAMINATION, FALL OF 1880.

PRELIMINARY.

I. Give full name, address, age, terms taught, and where educated.

II. Do you take and read any educational paper?

III. What professional works on education have you studied or read?

IV. How many days have you been present at county institute during last two years?

V. How much are you intending to be present at institute to be held at Rome, October 11 to 16, 1880?

1-10. Ten credits for correct spelling of written answers.

11-20. Ten credits for correct use of language, pauses and capitals.

MISCELLANEOUS.

21-25. Reading of passage and oral examination.

26. State two or more principles that guide you in teaching primary reading.

27. What would you require a class in Fourth Reader to do in "studying a reading lesson"?

28. What are the principal characteristics of good reading?

29. To what extent do you use articles from papers, etc., for reading classes? Why?

30. Who can legally vote at school meeting?

31. Has the trustee any power over the manner of teaching any branch?

32. What can you tell about the educational work at Quincy, Massachusetts?

33. Name all the candidates for President.

34. What can you tell about an important national work that was performed during June, 1880?

35. What do you consider good order in school?

36. What do you consider the main object of a recitation? Why?

37. How do you meet the difficulty of different kinds of text-books in a school?

38. Should a program provide for study as well as for recitations? Why?

39. What do you consider some of the principal causes of disorder in a school, and how do you seek to remove them?

40. What course of action do you pursue when there are "objections from parents" to some of your doings?

41. How is the President chosen?

42. How is a sheriff paid?

43. What are the terms of office of a supervisor and a congressman?

44. What county officers are to be elected this fall in Oneida county?

Give what historical information you can connected with the names:

45. Rodger Williams; 46. Texas; 47. Emancipation proclamation.

GEOGRAPHY.

48. For class of small children, do you use a text-book the first half term in geography? Why?

49. Do you teach geography topically? Why?

50. How many degrees from Arctic Circle to the Equator?

51. Are the sun's rays ever vertical at New Orleans? Why?

52. Explain why latitude affects climate.

53. What are the winter months at Cape Horn?

54. State what you can about rain-fall on west coast of South America, and cause.

55. Name and locate the railroads of Oneida county; 56. The manufacturing interests.

57. Describe surface and drainage of Pennsylvania.

58. Name and locate four important lake ports of the United States.

59. What are the principal productions of Newfoundland? Of Virginia?

60. Name three countries noted for coffee.

61-62. Name a strait, a volcano, a lake, and a city of Europe; and state some interesting and important fact connected with each.

63-64. Draw map of North America, locating countries, principal rivers, mountains, lakes, etc.

GRAMMAR.

65. In what ways do you teach children correct use of English language?

66. What is meant by "language lessons"? 67. By "object lessons"? Illustrate.

"But to sounds of home and *childhood*,
The Highland ear was *true*; —
As her mother's cradle-crooning,
The mountain pipes she knew."

68-69. Parse words italicized; 70. Explain use of all capitals in above.

71. Give names and uses of two marks in third line. (; —)

72. What kind of a phrase, in form and use, is first line, and what does it modify?

73. Analyze or diagram last two lines.

74. Change the stanza into prose order or form.

75-76. Write a composition giving your ideas of the relation between governing and teaching in school.

77. Write a short letter showing proper punctuation, form of heading, etc.

ARITHMETIC.

78. What do you consider the principal object in studying arithmetic, and how by your teaching do you seek to accomplish it?

79. To which do you give the more attention in your arithmetic classes, the rule or the analysis? Why?

80. What can you tell about the history of the Arabic notation? Solve and give reasons for each step in the following two examples:

81. Add $7\frac{1}{2}$, $5\frac{3}{4}$, and $10\frac{1}{2}$.

82. Multiply .064 by thirteen-millionths.

83. Explain derivation of rule for changing from avoirdupois to Troy weight.

84. Give same for 6 per cent. method of computing interest.
85. Make out and receipt in proper form a *bill* for four articles of farm produce.
86. What is the United States standard measure of length, and how was it derived?
87. A can do some work in 7 days, B in $\frac{3}{4}$ as much time; how long will it take both working together?
88. At \$1.25 per cord what costs 6 piles of stove wood each 34 feet long and $5\frac{1}{4}$ feet high?
89. How many bushels will a bin contain that is $7\frac{1}{4}$ feet square by 6 feet 8 inches deep?
90. At \$18 per M. what costs a floor of $1\frac{1}{4}$ inch lumber for a house 40 feet by 26 feet?
91. When 10 A. M. at prime meridian, what time is it at $36\frac{1}{4}^\circ$ E.?
92. Cost of school-house \$465. Valuation of district \$62,000. What is A's tax who owns a farm valued at \$3,250?
93. At what price must 8 per cent. bonds be bought to yield 5 per cent. on investment?
94. In what time at 5 per cent. will \$400 amount to \$445.50?
95. In computing partial payments, why is the payment not deducted from note unless it exceeds the interest then due?
96. A puts into a business \$2,400 for 5 years, B \$3,000 for 3 years, C, for tending to the business, has $\frac{1}{3}$ the profits, which is \$3,720. Regulate profits of A and B.
97. A liberty pole is 90 feet high. Breaking $\frac{1}{3}$ of the way up, it clings to the stump. How far from the foot of the pole will the top strike the ground?

PENMANSHIP.

98. To what extent and how do you teach penmanship in your schools?
99. When and how should children begin to write?
100. *Name all the letters that should extend three spaces above or below base line.*

ADDITIONAL QUESTIONS FOR FIRST GRADE CERTIFICATES.

ALGEBRA.

- How does algebra differ from arithmetic?
- Divide $-19x^2 + 26x + 2x^3 - 16$ by $x - 8$.
- What is the value $a^{-4} - 4a^2$, when $a = 4$?
- What is the least common multiple of $x^3 - y^2$, $x^2y - xy^2$, and $x^2y + xy^2$?
- What are the *apparent* and *real* sign of a fraction? Illustrate.

6. In equation, $5x+22-2x=31$, find value of x , stating axioms or principles upon which each step in the operation is founded.

7. From the equations $3x+2y=19$, and $6y=57-9x$, can the values of x and y be found? Why?

8. Expand $(x^2-y)^4$ by the binomial theorem.

9. Solve and verify $\sqrt{x} + \sqrt{a+x} = \sqrt{\frac{2a}{a+x}}$.

10. Find values of x and y in $\begin{cases} x^3+y^3=152 \\ x+y=8. \end{cases}$

NATURAL SCIENCE.

11. What is climate, and upon what does it depend?

12. What are isothermal lines? Why do they not correspond to parallels of latitude?

13. What is the cause or causes of the equatorial currents?

14. Describe three kinds of levers and illustrate each by an example taken from common events?

15. What is specific gravity? How do we find the specific gravity of solids?

16. If a pump could be made to work perfectly, from how far below the lower valve could water be drawn? Why?

17. What are the asteroids? About how many are now known?

18. Explain how it is the moon appears to us "to wax and wane"?

19. What is the difference between a vein and an artery?

20. Write what you believe about ventilation of school-rooms, giving reasons for your statements. Describe some good and practicable way for ventilating a room.

HISTORY.

21-3. Name a renowned warrior, an orator, and a queen, each of whom lived before the time of Christ, giving a short sketch of each.

24. Tell what you can about Constantine the Great.

25. Same about Galileo.

26. What were the Punic Wars?

27. What connection with English history has William the Conqueror?

28. Classify the nations of Europe according to the form of government now prevailing in each.

29. What can you tell about the Toltec civilization?

30. What is meant by the "Monroe doctrine?" What course of events gave rise to its promulgation?

SCHOOL MANAGEMENT, ETC.

31. In any public school, what subjects may be taught as a general exercise?

32. Why and how often should classes be examined?
 33. Are calisthenic exercises desirable? For what purposes?
 34. Would you choose the seats for your pupils? Why?
 35. What methods have you for securing regular attendance?
 36. How would you proceed with a large pupil whom you knew came to test your government?

37. In which of the common studies would you strive most to cultivate the imaginative faculty of a child's mind? *How* would you do this?

38. Give your opinion of concert method of reciting?

39. Distinguish between telling and teaching. Show application to arithmetic.

40. What are the objects of school government?

Result of examinations, fall of 1880.

Number of different persons examined	107
Number of different examinations made.....	111
Number of certificates given, first grade	3
Number of certificates given, second grade	17
Number of certificates given, third grade	67

Total	87
Number examined who had never taught	19
Number licensed who had never taught.....	3
Number reported as subscribers to educational papers,	78
Number reported as not subscribers to educational	
papers	33
Average standing of all licensed	74 per cent.
Average standing of all examined	70 per cent.

General statistics of examinations:

Whole number of examinations made from January 1, 1879, to November 16, 1880..... 597

Whole number of certificates given, renewed or indorsed during same time, first grade..... 9

Whole number of certificates given, renewed or indorsed during same time, second grade..... 60

Whole number of certificates given, renewed or indorsed during same time, third grade.. .. 248

Total

Number of wholly *oral* examinations made, less than

Number of different, and, in most cases, distinct sets of questions compiled or composed and submitted to teachers for first grade certificates

Number of different, and, in most cases, distinct sets of questions compiled or composed and submitted to teachers for second and third grade certificates

Number of different, and, in most cases, distinct sets of questions compiled or composed and submitted to teachers, special for primary department

Total

Known school-room work has been accorded weight in all decisions, by varying the standard required and in determining grades of certificates.

With this, to me, splendid record of work and consequent improvement on the part of my teachers, I am prepared to say that the only fair and surely successful manner to raise the qualification of the common school teachers, is by gradual advancement of the standard required, always after due notice. To this all good teachers give their hearty concurrence, both by word and deed. Sad inroads have indeed, at times, been made in the number of licensed teachers; but, after some trouble, all schools have been supplied without lowering the standard.

So far as was in my power, I have made my examinations a test of (a) knowledge of branches to be taught; (b) power of reasoning from known facts; (c) clearness and accuracy in habits of thought and use of language; (d) manner of teaching and school government; (e) general intelligence.

I assert, after trial, that an examination can show all these to a good extent. That these all are essential elements in a good teacher, I think none will deny. That they are *all* the elements of a good teacher, I most certainly do not believe or affirm. But a person, who by a thorough examination shows a high standard in all of the above, will very rarely fail as a teacher when tried by actual work. Out of about 300 different teachers whom I have examined and observed at work in the school room, less than a dozen will comprise those, who, by their examination, indicated what their actual practice did not sustain. Hence, I am forced to believe in and assert the principle, *that for all teachers, school commissioners and superintendents, a thorough and successful examination, suited to their respective works, should be by law made an absolute prerequisite to the holding of such position.*

As to suggestions for improvement in present method of licensing teachers, I hardly feel competent to speak. I find in the present method grand possibilities, though it loads the faithful commissioners, at times, with a terrible weight of bitter denunciation and threats of political decapitation. Whether a removal of this responsibility to a higher and more remote power will tend on the whole to the licensing of better teachers, I leave to the decision of those with a more extended knowledge than mine, of the workings throughout the State of the present system.

II. CONDITION OF EDUCATION.

I hesitate to speak in regard to the condition of education in the towns under my supervision. "Glittering generalities," in such matters, I will not utter; and to speak specifically and honestly will require too much space. Some sections are doing quite well, others very poorly—nearly all advancing in some respect. Judged in comparison with what they were, I think the schools of my district

have shown much improvement. Compared with what they ought to be and, I believe, can be, they are still poor indeed. The increase of average attendance of 1880 over 1879 is 13,253, and excepting one town affected by local causes, is 47,737; while the number of children of school age has decreased 137. This has resulted although the epidemics, scarlet fever and measles, have been widely prevalent—more or less invading 60 to 70 schools—during the year.

Of the union schools, Lee Center is suffering a reaction from liberal to scanty appropriations. Westernville shows a greater liberality in money than in pupils. Boonville, with its school-house remodeled at an expense of \$4,000, its academic department already decided upon, and its hardworking corps of teachers, has a bright prospect before it. Holland Patent has a model school, efficiently managed by exceptionally thorough teachers, and well sustained and duly prized by an intelligent community.

But from this bright picture we must, in honesty, return to darker scenes. Indifference, penuriousness, and in some cases, ignorant stubbornness, are the principal barriers that have confronted me.

Firmness of purpose and a willingness to do and dare, on the part of the commissioner and teacher, may force these barriers at places; but they can be wholly overcome or removed only by education of public sentiment.

III. INSTITUTES AND NORMAL SCHOOLS.

We have held four institutes during the past two years. At all, I think the effort has been made to do work rather than to make a show or "have a good time." The last one, held October 11 to 16, 1880, I believe, for steady attendance and attention as well as for effective work done, surpassed all others I have ever attended.

Profs. Kennedy and Post were the conductors. Their instruction, backed by the authority of the commissioner, I hope to find more applied to work of schools this winter than, I am forced to state, has been the case in the past. I look upon the movement here started by "the trustees' day," held Saturday, as a very powerful means for educating public sentiment.

Of normal schools and "normal teachers," my only cry is: "Give us more of them." In this demand, I think the intelligent part of our community will unite their voices with mine. Fifteen persons have gone to normal schools from my district since January, 1879.

IV. WANTS.

Below, I suggest changes, the need of which *I have felt in my work.*

1. A statute or order at your hand making a thorough and successful examination, an absolute prerequisite to the granting of any certificate to teach, as well as a legal qualification for holding office of school commissioner or superintendent.

2. A different basis for apportionment of part of public money

so as to afford financial incentives for more weeks of school and better average attendance.

3. Doing away with the useless apportionment for "library money."

4. A limited power granted trustees to purchase school apparatus.

5. The township system in such a form as to afford more effective local supervision than can now be exercised by a commissioner having a large territory, and only indifferent trustees as aids.

6. Systematic and general efforts to educate public sentiment upon subject of our common schools.

7. County normal institutes and drill schools with six months or one year course in the science and art of teaching, open to those only whose previous education was sufficient for beginning to teach. Perhaps a special department in our normal schools would answer the demand for the present, but this would be open to some objection. Those completing such a course should receive a limited certificate to teach.

Very respectfully, your obedient servant,

GEORGE GRIFFITH,

School Commissioner.

WESTERVILLE, *November 18, 1880.*

ONONDAGA COUNTY — FIRST DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In obedience to your command, I respectfully submit, in addition to my statistical and financial reports, the following statement of the condition and wants of the schools under my jurisdiction.

This commissioner district is composed of six towns, viz.: Camillus, Clay, Elbridge, Lysander, Salina and Van Buren, covering an area of over 300 square miles, which is divided into 90 school districts.

The number of licensed teachers employed, during the past year, was 113.

My manner of examining and licensing teachers has been as follows: After the close of our teachers' institute, which is held twice a year in this county, myself and associate commissioners hold a public examination.

The questions are prepared by the commissioners, and all three of the commissioners in this county use the same. The examination consists of reading, writing, spelling, arithmetic, geography, grammar, U. S. history, civil government, theory and practice, common school law, and a review of the work at the institute.

In my opinion, a better way would be to have the Department of Public Instruction prepare the questions and fix the standard of qualification. By so doing, the trouble which now arises, when teachers move from one district to another, would be avoided.

Teachers' institutes in this county have generally been successful, both in numbers and in the work that has been accomplished.

Can we not have a law passed requiring all teachers to attend teachers' institutes, paying them for their time while so attending, and re-imburasing the district for the money thus paid?

Teachers' classes, I consider, are a very important adjunct in our educational system. Can we not have more of them? Two-thirds of the teachers in our common schools have been students in some of our academies or union schools. Some of them have been members of teachers' classes; a good many have not, for the reason that they have had no opportunity. Of the four academies or union schools in this commissioner district, two of them have occasionally had a teachers' class, the other two have not. Let us have a teachers' class for two terms in each year in our academies and union schools, and in my judgment we will have a better class of teachers.

My experience in regard to the normal schools is, that very few of the graduates ever seek positions in the common district school. During the past five years, in this commissioner district, out of an average of 110 teachers, I never had in any one year more than three normal teachers, and those in our graded schools. I have no particular fault to find, nor can I suggest a remedy.

Although much has been said in regard to school supervision, and the office of school commissioner fallen into disrepute, and no doubt justly, by the action of some of our school officers, I still consider that the 112 school commissioners of this State, taking them as a whole, do their duty just as faithfully, and do more work for the pay that they are receiving, than any other body of officials in this State.

In conclusion, I wish to say, that with all the imperfections of the school commissioner and the imperfect system of our common schools, that in my judgment the schools of to-day are far superior to the schools of my boyhood; and from the period of its organization down to the present time a very rapid advancement has been made, and, with a little remodeling of our school laws, we shall continue to advance. The standard of qualification of teachers has been materially advanced; parents and the people generally manifest an increased interest in the welfare and prosperity of our elementary institutions of learning, and there is every reason to anticipate a steady and continued improvement in all the elements of our system of common school education.

Respectfully submitted,

ROBERT VAN KEUREN,

School Commissioner.

JORDAN, *November 15, 1880.*

ONONDAGA COUNTY — SECOND DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR. — In accordance with your positive direction to commissioners in this year's circular, the following report is made, using that as a guide.

The undersigned has visited every school-house, and every school found in session, at least once during the winter and once during the summer term, with a single exception; and some of the schools several times during each term. Almost every school had a regular program of labor, an earnest and faithful teacher, and students, well behaved pupils.

At the county institute at Syracuse, last spring, about 600 teachers, with an average attendance of nearly 300, were favored with the daily labors of Miss Thomas, an ex-Quincy teacher, and her instructions were enforced by conductors Johonnot and Kennedy.

A county association at Skaneateles, in June, and an autumn institute at Fayetteville, also revived and continued the educational work in the county. Conductors Lantry and Pooler gave earnest, practical and well appreciated instruction for 300 teachers.

The undersigned, since January 1, 1879, has granted 210 third grade certificates, 115 second grade, and only 12 first grade. Examinations with printed questions have been held at each institute with some town examinations; and the nuisance of individual examinations continues to fill many commissioners' stables, tables and parlors.

The institutes, normal schools, and the commissioners' methods of examining teachers are so interwoven with our school system that any radical change cannot be made without a change in the system. No change from the district to the township mode, nor any other educational revolution, will cure all our ills. But greater zeal, efficiency and wisdom can be infused into the administration of the present system by zealous and intelligent school officers, teachers and leaders in popular education.

Your circular says: "It has been alleged that the office of school commissioner ought to be abolished, and that our system of school supervision, especially so far as the rural districts are concerned, is very imperfect."

Yes; very many good and generally well-informed people entertain such sentiments. Why? Because the field of labor for a commissioner is so large; he has so much strictly office work that is unseen and unknown; he has so many interruptions in individual examinations, in settling school difficulties, and in all the field of his official duties, that perhaps only one brief visit in a term can be made at each of his hundred schools; and, therefore, those who see but a small fraction of the work done unjustly imagine the aggregate is of but little value. But with all that can be justly

said against it, school commissioner supervision is the best that this State ever furnished, and it is the best rural supervision to be found anywhere in any State of our Union.

To supervise 11,280 school districts, 30,669 teachers, and 607,590 pupils, during 1879, by this system, cost only \$112,000. This is \$9.92 for each district, \$3.70 for each teacher, and only *eighteen cents* for each pupil. Probably town inspectors, town commissioners and town superintendents, or the county superintendents, cost more per pupil. Even now, thousands of dollars are annually paid to town clerks and town supervisors for school duties. But very few know this, and, therefore, find no fault.

The aggregate "payments" for schools in the towns, during 1879, were \$4,694,608.20, or between 42 and 43 times as much as the cost of rural supervision. Dare any well-informed person declare that these \$42 or \$43 are paid out to so great relative advantage as the \$1 paid to school commissioners for all their labor and aid?

LOCAL SCHOOL FUNDS.

"Suggestions in regard to the apportionment of the public moneys," are asked for.

The present mode of distributing the public moneys tends to assist and uphold the small country schools; and is, perhaps, the best that can be devised.

But the laws found in the codes of 1868 and 1879, in regard to the distribution of the local town funds, are very blind and indefinite; and we have no decision from the Department to guide us.

In Onondaga county the custom has been to entirely disregard the teachers' quota system and the average attendance. The rule here is to divide the local fund equally between all the children between five and twenty-one years old, whether the school is in the town or not. This compels the commissioners to revise the lists of children five to twenty-one years old, in every district that lies partly in two or more towns, and often sends the trustee to the supervisors of two or three towns to collect a few cents of public money; and the supervisor violates the law when he pays to a trustee instead of a teacher. This rule, if correct, should give money to the children of a town, even when they belong to a school in an adjoining county; but that is never done. The district next to mine, in 1879, had \$94.98 of public moneys in its own town of Onondaga, and in this town no local fund; but it had in the town of Otisco three children entitling it to eighty-nine cents from that supervisor, and from the town of Lafayette another little sum. Another district in my town can collect from the supervisor of Geddes thirteen cents, while No. 6, in Camillus, can collect from the supervisor of Geddes, for one child, by going several miles and perhaps several times, its dues — just one cent.

All this nuisance can be avoided by giving the local fund of a

town only to the schools of that town, even if the schools have a few children from adjoining towns. The act of 1789 says, for the "use of *schools* in such township"; of 1798 says, "the use of *schools* in the original townships"; of 1808 says, "shall be distributed among the *schools* kept in each respective township"; of 1813 says, "*schools* in their several towns"; of 1819 says, "among the several *districts* in the several towns," and the last act of 1829 says, "shall be distributed and applied to the support of common *schools* of such town in *like manner* as the public money for the support of common schools shall be distributed by law." Hence teachers' quotas, number of children, average attendance, and perhaps other minor ways for distribution come in. Therefore, let there be a decision from the Department, or a law passed that the local town funds shall be divided only among the schools of the towns where the fund is, either according to the number of children of school age or the average attendance, or half by each mode, and forbid any share going to support the schools of other towns or counties, although some of their children live in the town where the local fund belongs.

FEMALE SUFFRAGE.

Two radical or fundamental ideas are incorporated into the law defining who are voters at school meetings. The first is that property taxed, or liable to be taxed, may have representation; the second is that children in the school may have representation. But voters for President, Governor, or town officers, are not necessarily voters in a school meeting. Whatever may be said for or against female suffrage at other elections, will either sex claim, at school meetings, that women should have greater privileges than men? If equal rights be the rule, and it is conceded that a child is represented by the father, a female suffrage school meeting law can be framed almost in the words of the general school law, as follows:

"Every" female "person of the full age" of twenty-one years, "residing in any neighborhood or school district, and entitled to hold lands in this State, who owns or hires real property in such neighborhood or school district, liable to taxation for school purposes," or "who has permanently residing with" her "a child or children of school age, some one or more of whom shall have attended the district school for a period of at least eight weeks within one year preceding," said child or children not being entitled to representation by any male person authorized to vote at school meetings, or any female resident of the neighborhood or district who is of the full age of twenty one years, "who owns any personal property liable to be taxed for school purposes in any such district, exceeding fifty dollars in value, exclusive of such as is exempt from execution, and no other" female "shall be entitled to vote at any school meeting" or school election of the school district "held in any such neighborhood

or district," and such female persons so entitled to vote are also eligible to any school office in said school district.

Respectfully submitted,

WM. W. NEWMAN,
School Commissioner.

SOUTH ONONDAGA, *November, 1880.*

ONONDAGA COUNTY—THIRD DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—In accordance with the directions contained in your circular of July 20, 1880, I have the honor to submit the following report of the condition of the schools under my supervision.

I have made, during the year, 173 school visitations, and 24 other official visits. My impressions have been very favorable as to the faithfulness and energy of most of the teachers. The schools were never in as good condition, which is an indication that they are doing good work.

I have examined 207 applicants for license, and granted 129 certificates. Of these, 9 were first, 43 were second, and 77 third grade. I use printed questions and have written examinations, and do not give certificates, unless, in my judgment, the applicant possesses the necessary qualifications. It seems to me that it would be better to have uniform examinations throughout the State. The Superintendent of Public Instruction should arrange the questions, fix the per cent. required for each grade, and appoint the time and places for holding the examinations. The practical effect of such an arrangement would be to unify and advance the standard of excellence which the profession of teaching requires of all.

One of the greatest difficulties in the way of school interests is the unequal manner of levying taxes. Two common school districts which are adjacent, and which bear equal expenses, will vary widely in per cent. of taxation, and there seems but one way to remedy the evil, viz.: By abolishing school district boundaries and creating a town board of education with power to engage all teachers and levy all the taxes for school purposes in the town.

It is certainly gratifying to me to be able to report a marked improvement in the schools under my supervision, and an increased interest in educational matters among the people generally, during the past year. Many of the children are somewhat backward, but with the interest we are awakening among the teachers and patrons, we confidently expect that in a short time our schools will equal any in the State.

INSTITUTES.

Our institutes have been very successful, and as every complete school system must provide some means to train teachers for

its schools, I would recommend their continuance, as I believe them to do great good by teaching the best methods of imparting instruction, and kindling a spirit of emulation among teachers.

NORMAL SCHOOLS.

There is a variety of opinions in regard to the usefulness of these schools. If the people knew that all who are educated in them became teachers they would be almost unanimously in favor of them; but they say that but very few of the pupils instructed in them ever follow the profession of teaching. If this is true (and my observations and investigations seem to prove it) they are not "accomplishing the work designed by the Legislature when they were established."

Thanking the citizens of my district for their kindness and hospitality, the teachers for their cheerful co-operation, and the Department for favors received,

I am, very respectfully yours,

R. W. MCKINLEY,

School Commissioner.

COLLAMER, *November 1, 1880.*

ONONDAGA COUNTY — SYRACUSE.

HON. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In compliance with the request contained in your circular, I have the honor to submit the following report of the condition of the schools under my supervision, for the year ending September 30, 1880.

In some respects the past year has been one of progress, more marked than any preceding year since my official labors commenced in this city. The census taken in September shows an increase of the persons of school age of 535, which is an average of the growth of the school population for a number of preceding years.

The registered attendance, during the year, was a very little less than that of the previous year, while the average number belonging and the average daily attendance was considerably greater. As a consequence there was less of absenteeism and more regular attendance on the part of the pupils belonging. The per cent. of average daily attendance on the number belonging was 96. After allowing for all necessary absences caused by the various diseases to which all children are subject, and which come to them during their school days, and temporary illnesses caused by taking colds and the various other ailments resulting from accidents, it seems to me that we cannot reasonably expect a much greater percentage of attendance than we have reached during the past year, where those in attendance include all ages from 5 to 21 years, and take in all classes, from the

poorest to those in more comfortable circumstances. I find, comparing the registered attendance with the number of school age, that we get into our schools only about 48 per cent. of those whom the statute regards as being entitled to the privileges of the public schools. Statistics show us that, in nearly all of the well-to-do families, children are not sent to school till they are 6 or 7 years old and only a small number stay in schools till they are 18 years of age. Taking the schools of this city as representative of all city schools in this State, and it will be readily seen that any compilation of statistics upon the basis of the present school ages in this State, published and circulated, as through the bureau of education at Washington, must give to our State a very low standing in education, as compared with other States in the Union, where the school age is fixed at from 6 to 16 years. We are publishing and sending out reports from all our principal cities and from all State departments, in relation to the condition of our schools annually, and yet, the statistics are made up from such varying cases, that we can hardly compare the schools of the different States. And I find it almost as difficult to compare the schools of the several cities of this State, because of the differences in making up statistics. If some uniform system could be reached through all the States it would be very desirable, but, if this is impracticable, uniformity in this State may most certainly be attained.

In respect to the condition of the schools in this city, we have better accommodations than at any previous time. Our buildings, with one exception, are in good condition, and this one is soon to be abandoned for a new and model edifice. We are able to accommodate all who apply for admission to our schools, and have a sufficient force of teachers to give, on an average, one teacher to every 41 pupils in daily attendance. During the past year or two, several of our school buildings have been remodeled, by changing from large to small rooms, with a teacher over each room, and with beneficial results in the education of the children.

We have found that the tendency of our graded school system is to make the teaching too formal, with too little of individuality; the class, as a whole, being taken as the unit, instead of the individual pupil. Just so far as we have been able to make our teaching personal, the teaching has improved; and during the year just closed, this has been more universally reached than in any preceding year. We claim that the greatest improvement in methods of teaching has been reached in the primary department; and that the instruction given in language, which includes the power of children to express their thoughts orally, in writing and in spelling, and the instruction in number is greatly in advance of what was done only a short time ago. We have no more spelling out sentences by a word at a time, but the whole thought is taken in before an attempt is made by a pupil to utter the words which express the thought. Reading has become a most interesting and enthusiastic exercise, instead of a dull and monotonous drill, such as may have

been seen in many schools until very recently, if, indeed, it may not be possible to find it even now in some places. Instruction in the elements of number has made equal advancement with that in language.

Although the spirit of advancement is just as marked among the teachers of the higher grades as it is with the primary teachers, the results are not so manifest, owing to the absence of the right training in earlier years, and the consequent formation of habits which must be corrected in order to lay a better foundation upon which to build the superstructure of a more perfectly developed mental growth.

We have always been in the habit of holding regular teachers' meetings, and during the last year these have been monthly, with occasional grade meetings intervening, and meetings of ward teachers as occasion has seemed to demand them.

The results have been to awaken interest on the part of some who might otherwise have been indifferent, to compare one school with others in methods of teaching, in attendance, in discipline and in advancing pupils; and through these meetings all the schools of the city are very nearly uniformly good.

The teaching of penmanship has been much improved by the appointment of a teacher of this branch as a specialty; and this, with drawing, which is now taught in all the grades, ranks among the excellencies of our school system.

Respectfully submitted,

EDWARD SMITH,

Superintendent.

SYRACUSE, *December 15, 1880.*

ONTARIO COUNTY — FIRST DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR. — In accordance with precedent, the following annual report for this commissioner district is respectfully submitted:

SCHOOL DISTRICTS.

During the year, upon the application of the parties affected and with the willing consent of the trustees of the several districts, alterations were made in the boundaries of districts No. 1, Farmington, No. 7, Manchester, No. 5, Geneva, and No. 11, Seneca.

The indefiniteness of district boundaries and the difficulties arising therefrom have been overcome by orders altering and amending the same.

Complaint is often made, in districts where the property valuation is small, that the tax necessary to sustain a school therein is

very burdensome compared with that of neighboring districts. For instance, in adjoining districts whose respective assessed valuation is \$141,554, \$127,100, and \$80,814,—from the weakest several large farms have been bought by parties living in the stronger, and because these were contiguous to their home farms the large aggregate valuation is taken from the weakest. Would it not be well to remove the present exceptions and assess and tax all property in the district in which it is situate? We are satisfied that such change is most desirable, as it would at once remove a fruitful source of vexation to which, under existing law, every district may be subject.

The question is sometimes raised, could we not, to obviate this difficulty, raise a town tax, for the portion outside of cities and incorporated villages, for the payment of teachers' wages. It would seem that, under such a system, no greater amount would be required to furnish the best instruction in each rural district throughout every town in the State than now is expended, in the aggregate, for teachers' wages in the several towns, under *all* the disadvantages which the smaller and poorer districts now suffer from the lack of efficient and able teachers.

The union and classical schools of this district are located in the villages of Geneva and Phelps; in district No. 1, Geneva, and No. 8, Phelps. In the main building of the former are sixteen teachers, and in the four branch primary schools are six teachers. The latter has *one* building and seven teachers. These schools, under the management of Professor H. K. Clapp and Professor H. C. Kirk, who have able corps of assistants, are in a prosperous condition and doing excellent work, the influence of which is wide spread.

The number of non-resident pupils attending in Geneva was fifty-three, in Phelps, fifteen, beside the class instructed in methods of teaching, under appointment from the State, which also numbered fifteen. At the date of this writing, the number of non-resident pupils attending the public schools in Geneva is fifty-five, in Phelps, thirty-eight, in Clifton Springs, eight. In the smaller village and rural district schools there were 102 non-resident pupils, many of whom were indigent and could not pay tuition, consequently their attendance did not benefit, financially, either the district in which they lived or the one in which they attended school.

The village of Geneva has seven private schools, beside Hobart College, and one lately organized in which is taught the Quincy method. The villages of Phelps and Clifton Springs have each one. Total number of pupils attending the nine schools 446; in Geneva, 368; in Phelps, 18; in Clifton Springs, 60.

The number of districts in the several towns, with the financial statistics relating to them is shown in the following table:

FINANCIAL STATISTICS.

TOWNS.	RECEIPTS.					EXPENDITURES.								
	No. of dists.	Amount on hand October 1, 1879.	Amount apportioned from State.	Amount raised by tax.	Teachers' board.	Other sources.	Total.	For teachers' wages.	Libraries.	School apparatus.	School-houses, furniture and repairs.	For all other incidental expenses.	Am't remaining on hand Sept. 30, 1880.	Totals.
Farmington	13	\$53 56	\$1,338 39	\$2,468 86	.....	\$18 13	\$3,938 94	\$2,492 00	.....	\$2 00	\$1,113 53	\$280 07	\$51 34	\$3,938 94
Geneva	7	8,568 42	4,142 07	4,320 16	.....	933 55	14,202 20	3,845 85	\$74 75	45 00	437 40	1,126 46	3,712 74	14,202 20
Gorham	16	13 85	1,641 70	1,639 08	\$194 00	15 88	3,504 53	3,121 80	8 04	1 41	149 69	219 31	8 87	3,504 52
Hopewell	12	83 97	1,279 25	1,566 69	.....	5 89	2,895 80	2,359 00	.....	9 50	205 24	270 57	50 30	2,895 80
Manchester	17	507 72	2,023 06	3,297 69	.....	10 00	5,838 47	3,925 30	.....	9 50	1,056 56	468 70	877 73	5,838 47
Phelps	24	941 23	3,739 66	7,175 04	.....	438 97	12,284 92	8,757 24	53 82	25 67	1,722 56	1,136 95	577 19	12,284 92
Beneca	13	219 62	1,676 79	2,691 78	.....	31 03	4,618 62	3,237 25	7 53	1 50	871 18	280 67	220 49	4,618 62
Totals	102	\$5,575 77	\$15,890 94	\$24,159 31	\$194 00	\$1,453 45	\$47,373 47	\$32,786 44	\$147 33	\$36 08	\$5,558 15	\$3,794 73	\$4,998 74	\$47,373 47

It will be seen from the above table that the amount apportioned to the several districts is $33\frac{1}{4}$ per cent. of the whole amount expended.

Of the \$257.97 library money received from the State, \$147.33 was used for library purposes, (or to purchase library and reference books and school apparatus) in the schools of the villages of Geneva, Phelps, Clifton Springs, Manchester, Shortsville, Gorham Village, Orleans, Seneca Castle, and in three rural districts. The balance, \$110.64, was used in the districts not named for teachers' wages. The majority of the libraries in these districts have been for years stored away in the wood-house chamber, carriage-house or other out-building where room could be found for articles for which there is no longer any use. Would it not be better to sell such books as can be found, and the avails appropriated to purchase text books to be used by indigent pupils, or with the sum received from the State be used to supply the several districts with needed books of reference, maps and charts? Perhaps it would be better to have the library money go into the general school fund and be apportioned for teachers' wages, and the needed supplies of library and reference books, school apparatus, etc., be purchased with money raised for that purpose by local taxation.

POPULATION.

The statistics of the district in regard to population, registry and attendance of pupils, as drawn from the school reports and the recent census, afford some points of interest.

POPULATION.

TOWNS.	No. of per- sons under 5 years of age.	No. of per- sons betw'n 5 and 21 years of age.	No. of school age, who at- tended school some portion of the school year.	Average daily at- tendance.	No. of persons between 21 and 50 years of age.	No. of per- sons betw'n 50 and 70 years of age.	No. of per- sons up- wards of 70 years of age.	Totals.
Farmington.....	169	584	460	234,192	748	392	89	1,982
Geneva.....	591	2,048	1,363	869,198	2,961	991	250	6,841
Gorham.....	237	769	591	329,431	1,007	393	115	2,521
Hopewell.....	150	530	394	209,040	731	377	104	1,892
Manchester.....	342	970	765	410,030	2,030	501	161	4,004
Phelps.....	477	1,718	1,305	667,932	2,432	199	234	5,060
Seneca.....	307	933	637	353,649	1,131	362	134	2,867
Totals	2,273	7,552	5,515	3,073,472	11,040	3,215	1,087	25,167

The whole number of persons of school age in the district it will be seen, is 7,552, while the number who have attended school some portion of the year is 5,961 or nearly 80 per cent. of the entire number.

The average daily attendance being 3,073 and a fraction, will be seen to be slightly above 50 per cent. of the whole number in attendance, and about 40 per cent. of the entire school population. This average would have been somewhat larger had it not been for the ravages of diphtheria, measles and scarlet fever, which all contributed to reduce the attendance, and in certain localities we are sorry to add, the diphtheria reduced the school population nearly one-third.

The number of children under five years of age now in the district is in the ratio of 3 to 10 to the whole number of persons of school age; a fact which may be interpreted to show that the schools of the future are not likely to fail for lack of pupils.

If those persons over 21 and under 70 years of age be regarded as constituting the supporting class of the community, it will be seen that the number of school age together with the number under five years of age bears to this class the ratio of 6 to 10; and if the number above 70 years of age be added to those of school age and under, the class which may be styled non-supporting will be to this class in the ratio of nearly 8 to 10. This needs the qualification, however, that many persons under 21 years of age and some over 70, belong to the producing and supporting class of the community.

It may be interesting to consider our educational status, as determined from statistics relating to insanity and crime.

The following table exhibits data for three periods, as obtained from the superintendents of asylums at Utica and Ovid, from local physicians and from the county record:

YEARS.	Insane.	Indictments by Grand Jury.	Population.
1865.....	45	20	22,893
1875.....	56	28	25,459
1880.....	62	15	25,167

The slight increase in the number of insane, along with the decrease in population, is entirely explainable by the fact that many of the healthiest and strongest of the community have removed to the west and other sections; while we retain all the insane incident to an increase in general population.

The actual decrease in the number of indictments for crime as compared with the population, of course speaks for itself; and if it has any significance from an educational point of view, certainly indicates progress.

THE TEACHERS.

The number of teachers teaching at the same time during 28 weeks or more of the past year was 126, two more than last year; the whole number of different teachers (a number of whom assisted during one term) was 192. Of these, 7 held State certificates, (2 under the new law), 3 normal diplomas; 182 were licensed by the local officer.

Of the whole number of teachers employed during some portion of the school year, 54 were males and 138 were females.

The average number of weeks taught in the village schools of Geneva, Phelps, Clifton Springs, Shortsville and Manchester, was 38.7. In the smaller villages and rural districts was 32.6.

The average age of persons teaching was 26.1 years, and the average number of terms that they had taught was 9.9.

The average price per week paid teachers in the village schools was, principals, twenty and $\frac{50}{100}$ dollars, (\$20.50); assistant teachers, eight and $\frac{59}{100}$ dollars (\$8.59). In the rural districts for the winter term, seven and $\frac{24}{100}$ dollars (\$7.24); summer term, five and $\frac{56}{100}$ dollars (\$5.56).

PUBLIC INTEREST.

Public interest is demanded in school matters, if for no other reason than to insure a greater and more regular attendance of pupils. Unless public opinion demands good teachers, good buildings, and the regular and constant attendance of the pupils, the desired results cannot be secured. When it shall become sufficiently aroused, the sanitary condition of our *public buildings*, especially school-houses, will claim its attention, and the same be properly ventilated; besides it will accomplish what the inoperative "compulsory education act" of 1874, with its present provisions, cannot. There is no doubt but that many of the dreaded diseases of children are induced, and their systems made susceptible thereto, by being compelled to breathe over and over the poisonous air of the school room. It is a question whether a child has not the right to be educated even though he does not desire to be, and even though his parents do not desire him to be. Where people are compelled to pay for educating children, may not children be compelled to be educated? Would not a law providing for the distribution of the public monies, on a basis making only those children eligible who have attended school or had been otherwise instructed, in accordance with the provisions of said act, be a proper substitute therefor?

I am glad to be able to report an increasing demand in the particulars named, and as one result our schools are so full that additional seating capacity in some districts by enlargement of, and in others by an increase of school buildings, has become necessary.

The societies known as the Ontario County Agricultural Society, and the Pre-emption Park Limited, holding their fairs in September last, respectively, in Canandaigua and Geneva, offered premiums for the following exhibits, viz.: The former, an award of \$10.00 for the best set of books kept by a farmer's son, under 21 years of age; no

entries. The latter, for the best of the several named specimens in classes as follows, viz.: Crayon drawing, pencil drawing, crayon drawing from nature, crayon portrait drawing. Special prizes by individuals: For the best reader at sight (under 15 years of age); specimen penmanship (girl under 15); same (girl under 12); same (boy under 15); same (boy under 12); map of North America by person over 10 and under 14; same of South America,—crayon drawing of two different kinds. I have been informed that 8 of the 12 awards mentioned were made to pupils of the public schools, 7 to pupils of the Geneva union and classical school, 1 for penmanship by a girl under 12, to a pupil of rural district No. 5, Geneva.

SCHOOL-HOUSES.

The school-houses in district No. 2, Hopewell, Nos. 3 and 6, Geneva, and Nos. 13 and 16, Phelps, have been repaired. Nos. 5, 8 and 13, Manchester, No. 8, Gorham, and No. 18, Phelps, have put in new seats.

6 New school buildings have been erected in district No. 2, Farmington (wood), district No. 7, Manchester (wood), for primary school, district No. 12, Phelps (brick), and there is in course of construction *one* in district No. 5, Farmington (wood). There are a number of districts in which new school-houses are needed, and the people seem to realize their wants in this direction, and in some of the districts they contemplate building, while in others that are very week financially they would like to build, but feel that to raise the necessary tax therefor, in one installment, would make it very burdensome. I would suggest (for the relief of such districts) that section 18, article 2, title 7, chapter 555, part 2d of the "general acts relating to public instruction," Code of 1879, page 226, be amended by striking out the term "*one thousand*" and inserting therefor *six hundred*, and thereby made to read, "exceeding the sum of six hundred dollars."

SUPERVISION.

On the 12th of June last, the people in district No. 2, Farmington, made a new departure and dedicated their new school-house. The exercises consisted of singing, an address by the commissioner, remarks by Prof. N. T. Clarke, and the commissioner of the western district and others, among whom was Daniel Arnold, now eighty years of age, who served in Farmington as town superintendent, from 1825 to 1853, and who has, since his retirement from active official school work, ever been ready to help on the cause of educational progress, and give counsel and encouragement to others engaged therein, especially on this occasion, while evincing by his energy and fluency what the schools of former times could produce, said much in favor of the educational methods and results of the present. The attendance was larger than could be accommodated in doors, and the occasion gave an impetus to school visitation, which afterward manifested itself in the presence of a number of

persons at the school in its regular work, on the day of my official visitation.

Since the 1st of October, 1879, 200 persons have been examined for teaching, of whom 84 received certificates, and 56, permits. Of certificates given, 11 were first grade, 32 second grade, and 41 third grade.

We desire to know, by frequent examination in general subjects pertaining to the work, whether or not progress has been made by the teacher, and when a failure in this particular is apparent, it is evident that to discontinue such is most advisable. The few failures that have occurred have not been for want of intellectual qualifications, but from a lack of tact and ability to govern. In the first certificate granted, the word *ability* is stricken out and not restored until we become satisfied by actual observation that the would-be teacher possesses the adaptability which makes success in the school room a certainty. We persist in holding to this line of procedure from knowledge of the fact that every person possessing only the literary attainments of a teacher, has not all the necessary requirements. As well suppose the man of intellect only, a suitable proclaimer of the "Gospel of Christ," when he does not know the import of the names virtue and morality. There has been an unusual demand for male teachers necessitating special examinations, the first of which was held November 6, to provide for 14 districts that were unsupplied. From a class of 15, a sufficient number not being obtained, subsequent ones were held, but not until November 15 was the demand met. A number of those who had not taught for several years, and who, when teaching, were very successful, were induced by their former patrons to resume the labor in the schools in which they last taught.

I heartily approve of the system of examinations proposed at the last State teachers' association, as contained in resolutions adopted by that body, viz.: "That this association recommends the Department of Public Instruction to issue a uniform series of questions, to be submitted twice each year to all who desire to obtain licenses as teachers."

"That the Superintendent of Public Instruction be requested to issue a syllabus of study which will give to applicants for State certificates a more definite outline than has heretofore been afforded them of the preparation and culture they are expected to possess."

There are other elements besides those mentioned upon which the prosperity and even success of a school may depend. Among these may be mentioned an increased public interest, a greater number of commodious school-houses, and the work of supervision.

From October 1, 1879, to September 30, 1880, I made 259 visitations to the schools under my supervision.

I have endeavored both by means of examination and by the visitation of the schools to raise the standard of teaching; and the fact that there have been so many teachers who have been successful leads me to think that this purpose has been largely attained.

As an evidence of this we cite: First, That many of the teachers in rural districts are employed in the same school several successive terms. I have in mind 2 teachers thus employed in the town of Farmington, 2 in Geneva, 3 in Manchester, 4 in Hopewell, 4 in Phelps, 7 in Gorham, the whole number in the town being 15; and 8 in Seneca, being 66 $\frac{2}{3}$ per cent. of the whole number.

Quite a number of districts, in which males teach in the winter and females in the summer, alternate the same teachers for several successive terms, and the results are very much better than in districts where changes in teachers are made every term. The same principle holds good respecting trustees.

The districts in which are the villages of Geneva and Phelps, have each five trustees. There are but four others of the smaller villages and rural districts that have three.

It is generally admitted that in districts of the latter class having but one trustee, and he continued in office for several successive years, better and more effective work is done than can be where the trustee is changed every year, besides avoiding many disadvantages, among which might be mentioned incorrect district accounts, enigmas in the annual reports, and inability to rightfully administer the affairs of the district. In view of these facts, and with the belief that our present system would be much improved thereby, I would urge that the next Legislature make the term of office of one trustee three years.

I have made a practice of inviting trustees to visit the schools with me, and of advising with them as to furthering the best interests of their respective schools, the result of which has been to greatly enhance their interest in the cause of education.

I have from time to time directed to them circular letters of advice, and have, during the past year, prepared and furnished for their use and for use by the town clerks, postal card notices, copies of all of which are herewith annexed.

TO TRUSTEES.

"The following suggestions are made in the belief that an adherence to the same by trustees will greatly enhance and make more efficient our school system, in which no school officer is a more important factor than the trustee, whose earnest co-operation is solicited in an effort to make our educational system worthy the name of Public Instruction."

Before making out your annual report you will read carefully the instructions relative thereto, in Code of Public Instruction, 1868, under title 7, chapter 555 of the consolidated school acts, from page 151, section 60, to page 166 inclusive; in General School Laws, beginning at page 55. That you may retain a copy of your annual report as a district record, extra blanks are annually furnished. Before hiring teachers, the instructions in *same code* from page 132, section 41, to page 137 inclusive; General School Laws, beginning at page 49.

Subdivision 9 of section 49, of the aforesaid title 7, was by the Legislature of 1879 amended to read as follows (beginning after the following, in said subdivision, "at an annual or special school meeting of the district"): "Nor shall any trustee of a district make any contract for the employment of a teacher, in and for said school district, beyond the close of the school term commencing next preceding the expiration of his term of office, except with approval of a majority of the voters of such district present, and voting upon the question at an annual or special school meeting of the district; nor shall the trustees of any school district having three or more trustees, make any contract for the employment of a teacher or teachers for more than one year in advance."

The teachers' institutes are the only means within reach of most teachers for improvement in *methods of instruction*, and those who attend them should be encouraged by being preferred by trustees, and we suggest to you the great importance of employing and retaining those teachers *only*, who indicate by their acts and school work, a love and enthusiasm for teaching, thereby securing *teachers* of school instead of *keepers* of school.

To qualified persons attending the entire session of an institute will be given certificates of attendance. We invite trustees and all persons interested in the advancement of education, to attend our institutes and associations. Public examinations for teachers' certificates are held semi-annually, of which due notice is given in the county papers. No certificate will be given except upon the examination of the applicant, and only such persons can be legally recognized by you in hiring teachers as hold a normal school diploma, a State certificate, or a commissioner's certificate which is good only for the commissioner's district for which it is given. Our most backward schools, in which a majority of the pupils are in primary classes, need the best and most experienced teachers. Better results are obtained in districts that arrange the school terms so as to have no school during July and August. Local geography and history should be taught in every school.

I send, herewith, a blank for postal card notice of school officers elect. You will please comply promptly with the request therein.

The school registers to which your district is annually entitled, can be had of the town clerk.

This document belongs to the office of trustee; after reading it at your annual meeting, give it to the trustee elect.

Yours respectfully,

GEORGE V. CHAPIN,

School Commissioner

First District, Ontario Co., N. Y.

SIR:

_____, 188
 District No. _____, town of _____, receives, in the apportionment of public school moneys, for the year 18—, as follows:

District Quota.	Pupil Quota.	Average Attendance Quota.	Library Money.	Total.
_____	_____	_____	_____	_____

_____, *Town Clerk.*

Preserve the above data for your next annual report.

Yours respectfully,

GEO. V. CHAPIN,

*School Commissioner,
 First District, Ontario Co., N. Y.*

_____, 188
 To _____,
Town Clerk, of the town of _____:

TAKE NOTICE.—That the annual school meeting, held on the 2d Tuesday of October, 18____, at 8 o'clock P. M., in the school-house, in school district No. _____, in said town, the following persons were duly elected school officers for said district: For clerk, _____, P. O. address, _____; for librarian, _____, P. O. address, _____; for collector, _____, P. O. address, _____; for trustee, _____, P. O. address, _____.

By section 34, page 67, vol. 2, and subdivision 5, sec. 37, page 68, volume 2, of the new sixth edition of the Revised Statutes, every person chosen or appointed to the office of school district clerk, who shall refuse to serve therein, shall forfeit five dollars; and every person so chosen or appointed, who, not having refused to accept the office, shall willfully neglect or refuse to fill out this notice and send it to the town clerk, shall, by such neglect or refusal, vacate his office, and shall forfeit the sum of ten dollars.

The outgoing district clerk, before he vacates his office, should, in every instance, fill out this notice, and see that it is sent to the town clerk immediately after every annual election of school officers in his district, but if he should fail to send it, then it is his successor's duty.

Clerk of said District.

The certificates of attendance granted to those attending the institute, were designed to show even where certificates to teach were not granted, that the holders thereof were at least interested in the work of education.

Last February I instituted a system of gradation for our district schools. The following circular letter of advice to teachers, the

blank for pupil's certificate, and the letters from persons interested will give an idea of the method and results of the undertaking. (To teacher):

You will, by a constant review from the first principles of every branch of study in your school, prepare the pupils of your several classes for a term examination, such as the inclosed blank suggests; the main object being by this plan to attain approximately a system of gradation in our district schools, besides making every succeeding term show progress, to the finishing of the various subjects taught. Please retain, fastened together, in book form, the stubs that are to be kept as a district record. State in your term report to this department, whether or not you have complied with this request.

GEO. V. CHAPIN,
School Commissioner.

CHAPINVILLE, *February 7, 1881.*

Be it known, that _____, a pupil in school district No. _____, town of _____, Ontario county, has passed a thorough examination in the branches named below, as follows:

Name of Text Book.	To Page or Subject.	Standing in Scholarship.	Deportment.
.....			
.....			Days of Term.
.....			
.....			Days Attended.
.....			

And the undersigned would advise that the person herein named should begin at the page designated in resuming the study of the above named branches.

_____ *Teacher.* _____
 _____ *Trustee.* _____
 No. _____. Date _____. _____

} *Examining Committee.*

No. _____

Date _____

Name _____

Name of Text Book.	To Page or Subject.	Scholarship.
.....		
.....		
.....		
.....		
.....		
.....		
.....		

Department, _____. Days of term, _____. Days attended, _____.

_____, *Teacher.*_____, *Trustee.*

_____	} <i>Examining Committee.</i>

 Retain this stub for district record.

OAKS CORNERS, N. Y., Oct. 26, 1880.

G. V. CHAPIN :

DEAR SIR.— I think the term examination blanks are “just the thing.” They supply a universal want of our ungraded district schools, viz. : a *system of progressive study*. Their introduction to the schools under your charge is a great step in advance of the former methods of district school management, and I think their usefulness cannot be overestimated. From the use of these blanks it is but a single step to a thorough system of gradation such as has been adopted in the school under my charge at Orleans. For two years I have been aiming at this result, and your introduction of the term examination blanks struck the finishing blow. Such a system ought to be adopted in all the district schools of the county.

Yours truly,

G. W. BOSTWICK.

STANLEY, Oct. 9, 1880.

Mr. GEORGE V. CHAPIN :

I have to-day made out my report as trustee of this school district, and find the average attendance to be so much in excess of previous years, that I want to tell you what I think is the cause.

First, the arrangement of the terms so as to have the school close for the year before the hot weather in August and September; and secondly, I think it is accountable, in a great measure, to the new departure introduced by you in this county, viz.: the closing examinations at the end of the terms of school, and issuing to scholars a certificate, properly certified to by a committee, as to standing in studies, etc.

I know it worked a very marked change in our school the past year, causing a more regular attendance and inducing the children to more work, in order to make a good appearance on examination day, and for fear of being turned back to renew the same studies the next term. Also, it brings in the parents to visit the school at least one day in the term, something almost entirely neglected in this district, and I fear in many others.

Heretofore, children had no apparent incentive to work for, and many were a great hindrance to others, as all were generally kept in the same classes from year to year, thus holding back the more ambitious ones—in reality, paying a premium for *idleness* in school. These examinations must bring up the standard of our country schools, as many parents have heretofore been forced to send their children away to school, just for the want of some proper system of grading in the school at home.

This system of examinations and the issuing of certificates is certainly one step forward, and must, in the near future, work great good to our schools.

Yours, etc.

T. A. McCAULEY,
Trustee District No. 1, Seneca.

The standing of the pupils was obtained by thorough written and oral examinations conducted by the teacher, during the last weeks of the term.

A schedule made by the teacher contained the names of all the pupils, the subjects in which they were examined, and the page or subject to which they had severally advanced.

Before the data were transcribed upon the stubs and the certificates, the schedule, together with the questions, and the pupils' papers of examination, was submitted to the members of the examining committee, who, after examining the papers and the several classes orally (before such of the people of the district as could be induced to attend upon days of the last week designated by the teacher), passed upon and approved of the record of the schedule, or disapproved, and after amending to accord with their ideas of the proficiency of the pupils named therein, approved and signed, and thereby made the record for the *stubs* and *certificates*. The stubs form the record for the district. The certificates detached therefrom form a record for the pupils receiving them, for their parents or guardians, and for temporary use in other districts in which they may subsequently attend school.

With the stubs, and with any certificates which may be presented by pupils of other districts, the teacher of no district of the commissioner district or county in which this system is in vogue, need start the pupils unadvisedly at the commencement of a succeeding term. The method is generally approved, and the results obtained are very satisfactory. In a great many of the districts, from ten to twenty-five persons attended the examinations, and I might add, to the expressed approval contained in the above letters, similar testimony that I have from those attending. Beside giving encouragement by their presence, they have seen what changes were most needed, and by their influence and action a number of school-houses have been re-seated and their general appearance improved.

Were there more permanency to the term of office of trustees, I firmly believe that, with the co-operation of trustees, patrons and teachers, a prescribed course of study could be enforced which, with the system of gradation above described, properly carried out, would make our common district schools satisfactory preparatory schools for the higher institutions of learning, and would detain at the home school many who at too early an age seek better educational advantages abroad. Such a course of study should not be intended exclusively to fit pupils for the high schools, but (as expressed in a resolution of the last State Teachers' Association), "should be so arranged, in order to meet the wants of the mass of pupils, that at whatever age a pupil is forced to leave school, he may at that time have received the best possible preparation for life and citizenship consistent with his stage of advancement."

Since the 1st of January last, 6 persons have been recommended for appointment to the normal schools: 2 to Geneseo, 2 to Oswego, 1 to Brockport, and 1 to Cortland. There are several undergraduates who are now engaged in teaching, that intend to complete their normal course. A number of those now attending these schools, had had a successful experience in teaching before entering them as students. Under the teachers and graduates employed from these schools, the results in most cases have been highly satisfactory, and in other cases they have not. Without going into detail we may summarize this matter with a statement that unless a person has some adaptation by nature for the teacher's profession, there is no normal school or method which can make that person a successful teacher.

This district is represented by two students at the Cornell University.

- 8 The operation of the new law enabling women to vote, so far as it has been operative, may be regarded as salutary. It is desirable, however, that it be so revised as to eliminate existing obscurity.

INSTITUTES.

Two institutes have been held during the year, each lasting one week. The first, held at Geneva, beginning March 29, conducted by Professors Johonnot and Barnes. The second held at Canan-

daigua, beginning September 27, conducted by Professors Kennedy and Northam.

The border towns of the western district are so remote from railroads and other modes of public conveyance, that the spring session was not so largely attended as the fall session. A noted feature of the former was the presence of commissioner Stout, of Seneca county, together with 25 of his teachers.

Professors Johonnot and Barnes, by their able instruction and wise counsels, imparted many ideas that could not fail to be of practical value to the 180 teachers in attendance.

Much interest was manifested in the singing, which, with Professor Barnes as leader, contributed largely to the enthusiasm manifested throughout the session. Also in the exercises given by Professors Clapp, Vail and Milne. Subjects: Reading and elocution, pronunciation, and school work.

The lectures delivered by Professors Barnes, Johonnot, Hamilton, Smith of Hobart College, Milne of the Geneseo normal school, and Bennett of Syracuse University, preceded by recitations, songs, etc., by pupils of the Geneva classical and union school, contributed much toward the success of the institute.

The session at Canandaigua was a decided success, 233 teachers being in attendance. The work of the instructors at this session was practical and of a high order, as were also the lectures delivered by Professors Northam, Kennedy and Clapp, and Rev. Mr. Hiscox.

There were, during last winter and spring, meetings of the County teachers' association, held at Canandaigua, West Bloomfield, Shortsville and Clifton Springs.

Institutes and associations are regarded by the most thoughtful as decidedly beneficial adjuncts to our educational system.

The attention of the Legislature is called to the numbers (1), (2), (3), (4), (5), (6), (7) and (8), in the margin, as indicating the parts of this report in which are suggested needed changes by legislative enactment.

Thanking the Department for many favors rendered and courtesies extended, I remain,

Yours very respectfully,
GEO. V. CHAPIN,
School Commissioner.

CHAPINVILLE, *December 24, 1880.*

ONTARIO COUNTY — SECOND DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—In accordance with your request, I respectfully submit the following report regarding the schools under my jurisdiction.

The second commissioner district of Ontario county embraces the

towns of Bristol, Canandaigua, Canadice, East Bloomfield, Naples, Richmond, South Bristol, Victor and West Bloomfield. There are 106 districts and 114 school-houses; 136 teachers were employed, being one more than was employed during the year previous.

In comparing my statistical abstracts of 1880 with those of 1879, I find that there were fewer pupils registered, and that the average attendance was not as large as in 1879. This was not owing to the fact that there was less interest taken by the patrons than usual, but to the prevalence of scarlet fever and measles which raged in portions of the district nearly the entire winter. Many of the schools were broken up; one district having but six weeks of school during the winter, while very few teachers succeeded in arousing the same interest that was manifested prior to the vacations it was necessary to have.

It is the aim of my associate commissioner (Geo. V. Chapin) and myself, to raise the standard of the common schools. We are endeavoring to do this by refusing to license those persons who have not the necessary literary qualifications, as well as those whom we find upon visiting to be deficient in other qualifications equally as essential. In doing this, a commissioner meets with many discouragements, as he is very often not sustained by public opinion. The fact of the case is, that while occasionally a trustee is willing to pay *good wages* to a *good teacher*, the majority are in favor of hiring cheap teachers. In those districts where the majority of the patrons desire a good school and are willing to *pay for it*, I notice that they generally have it. I find that too many trustees are of the opinion that they must employ a first-class teacher for the winter term, but that any one can teach the summer term, as the pupils are all small. I wish trustees might realize the fallacy of such reasoning, as we need our best teachers in our primary grades.

There were two institutes held in Ontario county during the year: at Geneva, beginning March 29, and at Canandaigua, September 27, each continuing one week.

The institute at Geneva, which was held more especially for the eastern district, was well attended by the teachers of that district and Seneca county. But few of my teachers put in an appearance. Professors Barnes and Kennedy conducted the exercises in a very interesting and instructive manner, and won for themselves many friends from the teachers and others present.

The institute at Canandaigua was conducted by Professors Kennedy and Northam, and was a very profitable session. There were 230 teachers in attendance, nearly all of whom manifested a great deal of interest in the instruction given. It was conceded by all to be one of the best institutes ever held in Ontario county. The instruction given was very thorough and practical, and will be of great benefit to those in attendance.

The normal schools are steadily growing in favor with the people of my district. There are several normal graduates teaching in this district, most of whom are doing good work.

I believe that a teacher who would succeed *fairly* without the

drill, will succeed *better* with it. But attendance at a normal school will never make a good teacher of a person who lacks tact and natural qualifications for the profession.

I am pleased to report that the school-houses in this district are in much better condition than they were one year ago. I have tried to impress upon the people the importance of having comfortable school-houses, and then to make them pleasant and attractive by decorating with mottoes, pictures, etc. The fact that four new houses have been built during the year, while many others have been repaired and furnished with new furniture, shows that the people are gradually awakening to the fact that if they wish to have their children interested in the school and anxious to attend, they must be sufficiently interested to supply them with a comfortable house and pleasant surroundings.

I have made, during the year, two hundred and eighteen official visits, being more than two visits to each school. Owing to the roads being almost impassable last winter, I failed in reaching two schools.

The condition of the schools, generally, is satisfactory, and the outlook for the future encouraging. In the future, as in the past, I shall do what I feel to be my duty without fear or favor of any person.

With many thanks to the Department for favors received, to the teachers for their hearty co-operation, and to the patrons for their courtesy and hospitality,

I am, very respectfully yours,

G. S. PRESTON,

School Commissioner.

VICTOR, *December* 11, 1880.

ORANGE COUNTY — FIRST DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—In obedience to your directions, I respectfully submit the following report of the work that has been accomplished, and the condition of the schools in the first school commissioner district of Orange county, during the school year that ended September 30, 1880.

I made, during the year, one hundred and thirteen visitations, which were distributed among sixty-eight of the sixty-nine schools within my jurisdiction; one school, owing to circumstances over which I had no control, was not visited at all.

In consequence of these visitations, I have received the impression that the teachers, although, owing to the low rates of wages, many of them are young and have but little experience, evince a commendable determination to do their duty by their pupils and to promote the cause of education to the best of their ability, and that they are as successful in their work as could reasonably be expected of

them, under the adverse circumstances by which too many of them are surrounded.

On the other hand, I am truly sorry to state that there is among the people, in some localities, a lamentable indifference to the welfare of the schools. This is made manifest in many ways. They cannot be induced to visit the schools and by their presence and their sympathy stimulate and encourage both pupils and teachers; they often fail to provide suitable blackboards or apparatus of any kind to aid teachers and children in their work; they sometimes fail to furnish their own children with necessary books; and in some instances, happily few, have neglected, until compelled to attend to it, to provide for the physical comfort and welfare of their children while at school, as well as they provide for the health and comfort of their domestic animals.

We occasionally found that a person had crept in among the teachers whose only apparent ambition was to secure the pay of a teacher by the least possible exertion, physical or mental, on his own part. Such have found it necessary to engage in some other business. We also, fortunately for the best interests of the country, have found quite a large number of people who show a strong desire to do all in their power, and who contribute liberally of their means, to educate and elevate the children that are growing up around them. Owing to the efforts and the influence of such as these, there are, in this district, a goodly number of substantial school-houses, furnished with comfortable, modern furniture, supplied with all necessary apparatus, and occupied by competent teachers and industrious, well drilled children.

Fifteen of the one hundred and fifty licenses issued by me this year were issued to persons who had never taught.

Six public examinations have been held, three in the spring and three in the fall of the year—so located as to give every teacher in the district an opportunity to attend without much inconvenience, at least twice in the year.

Applicants for certificates have been subjected to written examinations, and their papers have been preserved.

Private examinations have been discouraged by making them quite as vigorous as are those that are held in public.

In issuing licenses, I have followed, as closely as I could, the course indicated by the Department; third grade only have been given to those who had little or no experience; second grade to those who had considerable experience and who had been fairly successful. First grade have been issued to those only, whose qualifications as to learning, ability to teach, moral character, etc., fitted them to occupy any position in any school in the district, and whose success in teaching was known to me from personal knowledge, obtained by careful observation of their work in the school room.

On account of a lack of uniformity of practice among commissioners in the manner of examining and licensing teachers, and in view of the fact that many, calling themselves teachers, come here

from other counties armed not only with second but also with first grade certificates (I do remember meeting one who carried a third grade), who really were not fit to hold any, I have found it necessary to refuse to indorse any certificates or to issue any on the recommendation of any person or persons, and to require all of those of whose qualifications as teachers I have no personal knowledge, to undergo examination; those of the successful applicants, who have second grade, receive third; those who have first receive second, and they do not receive higher grade until by successful work in the school room they prove themselves worthy of them.

It seems to be of vital importance that a higher grade of literary qualifications should be required of teachers, and that a uniform system of examining and licensing them should be adopted throughout the State. Could not the State Superintendent, or some other competent authority, appoint days on which examinations should be held, simultaneously, in every school commissioner district in the State, furnish the questions to be used, prescribe the manner in which they shall be conducted, fix the percentage of correct answers that must be given by successful candidates, cause a list of the questions used to be filed, together with the written work of every applicant, in some suitable place within the district in which the examination shall be held, where they can be examined by any person who wishes to do so; and last, but not least, hold every school commissioner, or other person who shall superintend any of these examinations, to a strict accountability for the manner in which his duty shall be performed?

"The methods of the employment of teachers" are very far from being what they should be, and they are not such as tend to induce a person to make school-teaching his permanent avocation, or to prepare himself thoroughly for its arduous duties. School-houses are sometimes mistaken for eleemosynary institutions, for asylums for the poor and needy, where the unfortunate, regardless of their fitness for such important duties, may fill teachers' places and thus receive relief.

Those who examine and supervise teachers should have more power in the matter of selecting them for, and retaining them in, positions; they should not be left entirely subject to the selfishness of interested parties, or to the caprice of those who feel no real, intelligent interest in the advancement of the cause of education; nor should they be left to feel that, no matter how well their work may be done, they are liable to be discharged, at any time, to make room for some inexperienced person that the trustee, from personal motives, through sympathy or from friendship, may be desirous of employing; on the contrary, they should feel that a faithful and intelligent discharge of the duties imposed upon them would insure them continuous employment, while a neglect of them would, with equal certainty, cause them to lose it. Thus they would be encouraged to spare no pains in fitting themselves for the work, and be stimulated to put forth their best efforts and secure the best results.

It must not be understood that either the officers or the teachers

in the school districts of this county are less efficient or less zealous than those of other counties, for careful inquiries, concerning the manner in which the school officers of other places discharge their duties, have fully satisfied me that those of Orange county would not suffer by being placed in comparison with them. As to our teachers, an extensive acquaintance with, and reliable information concerning other teachers, enable me to feel that I can conscientiously say that they are, at least, the peers of those who fill similar positions elsewhere.

Although, of course, the condition of the schools in this district falls far below our ideal of what it should be, it is, taking all the circumstances into consideration, satisfactory. There is a slow but steady movement in the right direction. The people, more especially the younger ones, are showing an increasing disposition to build school-houses that do honor to the neighborhoods in which they are situated, to furnish these buildings with the most convenient and comfortable furniture and with sufficient apparatus, to provide ample grounds for the accommodation of the children, and, above all, to secure the services of the best teachers that their means will permit.

The seeds of knowledge are so widely disseminated that there are but few native-born young men or young women, who have not acquired not only a fair knowledge of the ordinary English branches that are taught in the schools, but also a considerable fund of useful information that will go far toward making them useful and intelligent citizens, and that will exert an influence, for good, over the future destinies of our country; and, in most of the towns in this district, it would be very difficult to find one that can not read and write, and who has not a knowledge of the fundamental principles of arithmetic.

Our teachers' institute has, for a number of years, been held either in July or in August. As many of our teachers are employed by the term, and, as the spring terms, usually, end about the first of July, and the fall terms do not commence until sometime in September, or October, trustees claim that the teachers are not in their employ during the interval, and demur at paying them for the time spent at the institute. The teachers, not daring to attempt to compel them to pay, and being too poor, in this world's goods, to expend the money out of their own pockets, are unable to attend and secure the benefits these institutes are intended to confer; besides all this it is almost impossible to induce people to submit themselves to the discomforts incurred by assembling amidst the intense heat that usually prevails at this season of the year. Many of the teachers are dissatisfied with this, and wish the teachers' institute to be held either in the fall or the spring of the year.

An opinion is prevalent among our best teachers that too much time is consumed, by institute conductors, in teaching methods in the old routine manner, and that it would be more profitable to form the teachers into classes, and to drill them in branches of study to be announced to them sometime previous to the commencement

of the institute. The people, aside from those who are immediately connected with the schools, pay but little attention to the matter of institutes, apparently regarding them as mere formalities in which they have no interest.

On the subject of "Normal Schools" public sentiment is divided. Some regard a "normal certificate" as a sufficient proof of the ability of the bearer to teach, successfully, in any school, while many others do not so regard it, and, in employing teachers, do not give "normal graduates," who have no other experience as teachers than that obtained in the normal schools, the preference over others. Quite many think that the benefits derived from these schools are not commensurate with the expense incurred in maintaining them.

You ask whether or not, in my judgment, the schools are accomplishing the work designed for them by the Legislature when they were established. The design of the Legislature, as I understand it, was to furnish the public schools of this State with well trained and efficient teachers. I can of my own knowledge affirm that they have furnished many such, who have been an honor to the profession and a blessing to the communities where they have labored. But, judging from what has come under my observation, very many attend these schools and avail themselves of the privileges there afforded for the purpose of securing a good education at the expense of the State; having done so, some of them never attempt to obtain a situation, some will not, even at first, teach for a moderate compensation, consequently, they never teach at all. This is not said for the purpose of disparaging those who, having attended these schools, come forth willing to stand on their own merits as teachers, and determined to use for a reasonable time, at least, the knowledge they have there acquired for the improvement of mankind, and thus to repay the people for the benefits that they have received at their hands, neither is it said for the purpose of casting reflections on the schools themselves; but it is said for the purpose of indicating that, in my judgment, there are abuses that need to be remedied before these schools can to the fullest extent, accomplish the work designed for them.

As I have not hitherto considered it a part of my duties to look into the academies and private schools in my district, I have neglected to visit them, except in a few instances when I was specially invited to do so; consequently, the only knowledge that I have of most of them is derived from others, and I am unable to give you reliable information concerning "what manner of work they are accomplishing." I will, during the school year that is now begun, endeavor to atone for my remissness, in this matter, by visiting these schools, and by reporting to you at the end of the year any information I may succeed in obtaining regarding them and their work.

Yours respectfully,

CHARLES W. GEDNEY,

School Commissioner.

NEWBURGH, *December* 10, 1880.

ORANGE COUNTY — SECOND DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—In obedience to the instructions contained in your circular of July 20th, I beg leave to submit the following report :

I have made 129 visits, during the past year, to the schools under my supervision, and have generally received a fair impression of the manner in which they have been conducted. I have found a variety in the methods employed by different teachers, and the results have not, in all cases, been as good as they should have been; but, on the whole, I think there has been an improvement over last year. I have found, in most districts, a unity of efforts on the part of both trustees and teacher to have good schools, and there I have found the most regular attendance, the best order, the most faithful study, and, as a natural consequence, the most progress. I am sorry to report that, in some few cases, the trustees are actuated by a selfish desire to promote their own interests at the expense of the district. This generally occurs where there is but one trustee in the district, and is one of the disadvantages those adopting this system labor under. Another disadvantage is that the administration is apt to change every year, and, consequently, the teacher is changed, often making confusion and loss of time.

I have licensed 175 teachers, during the past year, most of whom have taught before. Of these, eleven have received certificates of the first grade, 150 of the second grade, and fourteen limited licenses of the third grade for from one to seven months.

Examinations have been held semi-annually at Westtown, Middletown, Warwick, Goshen and Port Jervis, thus giving all an opportunity to attend. The subjects on which the applicants were examined were geography, arithmetic, orthography, grammar, history and penmanship. Ten questions on each subject were given to each applicant, and he was required to write out the answers. To receive a certificate of the second grade the applicant was required to answer seventy-five per cent. of the questions correctly. I have given first grade certificates to those only whom I knew to be successful teachers and who have had an experience of at least three years.

I would suggest that these examinations could be improved by the appointment of a committee in each commissioner district, to consist of the commissioner and two other prominent educators, to conduct the examinations, and that the questions be prepared under the direction of the Superintendent, and that he establish the rules to govern the granting of the certificates. This would place this part of the work beyond the suspicion and charge of partiality and political influence against the commissioner, and also make the standard of teachers uniform throughout the State.

I have heard much dissatisfaction expressed in regard to the law fixing the time for holding the annual meetings in the several districts, and I think myself that much can be said in favor of commencing the school year a month or two earlier than now, and of making the same change in the time of holding the annual meetings. In this district almost, if not quite, all of the schools close about the first of July and begin on the first of September.

Our county institute was held in Middletown one week, commencing August 23d, and was well attended. The whole number of teachers registered was 150, and the average attendance was 99. Although this is a small part of the whole number of teachers in the county, I am glad to report that the principal part of the younger and less experienced teachers was present. There was a great diversity of opinions expressed by those present, as to the practical benefits derived from the exercises. Some have, in many things, been able to improve on their methods in the school room, and I think, from my observation in the school rooms since that time, that much good has been done through its influence.

The teachers of Orange county have a live association, which dates its organization back to 1868, and which is the means of much good. Its meetings are held semi-annually, in May and October, and the discussions of its members are of much practical value.

I have issued three recommendations to the normal schools during the past year: 1 to Brockport and 2 to Cortland. The normal graduates are generally teaching in the larger towns, and very few are found in the rural districts. I have heard no opinions expressed as to the value of normal instruction by any of the patrons of the schools, but the fact that all of the graduates are employed and receiving good wages speaks for itself.

A very good substitute for the normal schools is the teachers' class. One of these has been for several years held in the Walkill Academy at Middletown, under the supervision of Prof. H. R. Sanford, and the results are good. From 10 to 20 persons have annually received practical instruction in the best methods, both of imparting knowledge and maintaining discipline. These teachers generally give good satisfaction where they are employed, and I am of the opinion that the money appropriated to this purpose is well spent.

Yours, with respect,

THOMAS S. HULSE,

School Commissioner.

WESTTOWN, *October 29, 1880.*

ORANGE COUNTY—NEWBURGH.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—I respectfully report that the schools of Newburgh were never in a more flourishing condition than at present.

In 1870 the number of children in the city of school age was 5,416; the number attending school some portion of the year was 3,449; the average daily attendance was 1,593. In 1880 the number of children of school age is 5,897 (increase 481); the number attending some portion of the year, 3,348 (decrease 101); the average daily attendance, 2,219 (increase 626).

The larger part of our pupils leave school before entering the grammar department; therefore, while not neglecting the higher departments, we aim to make our course of instruction in the primary department as complete as possible. Pupils are taught to write and to read script as soon as they enter school, and at the end of the first year can at least write their own names. At the end of the fourth year they usually possess a good knowledge of the simple rules of arithmetic; are able to write a legible hand; to form simple sentences; to spell well such words as are commonly used, and to read understandingly the books used in their grade.

Yours respectfully,

R. V. K. MONTFORT,

Superintendent.

NEWBURGH, *October 8, 1880.*

ORLEANS COUNTY.

HON. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In compliance with the request contained in your circular of July 20, 1880, I respectfully submit the following brief report, in addition to the financial and statistical reports sent to the Department.

There are 128 school districts situated wholly within the county, and 166 licensed teachers were employed during the past year, and were teaching at the same time, of which 155 were licensed by the school commissioner, 3 by the State Superintendent, and 8 were normal school graduates.

During the year, I have made 335 official visits, generally spending a day with two schools.

I have issued 312 licenses, during the year, of which 64 were of the first grade, 202 of the second and 46 of the third. The large number of first grade licenses issued is due to the fact that nearly all of the first grades expired last year.

It gives me pleasure to report that there has been an increasing interest manifested at each successive teachers' institute held in this county during the past five years, and that the institute held at Albion, commencing September 27, 1880, conducted by Professors

R. E. Post and Francis P. Lantry, was the crowning glory of them all.

My experience makes me a decided advocate of the teachers' institute, and I consider it a powerful auxiliary to advance the cause of education, and it should be made imperative upon all our teachers to attend.

There have been only eight normal school graduates employed during the last year, and yet there is a normal school in an adjoining county, and I have made from 10 to 20 appointments to the Brockport normal school each year for the past five years.

I have visited nearly all of the private schools in this county, and find them doing good work.

I have had the supervision of the schools of this county for the past five years, and I think the good work of educating the young is in a healthy and prosperous condition, for which we feel grateful and encouraged in our future efforts to improve, elevate and perfect the character of our schools.

I am under many obligations to the teachers for their ready assistance to the trustees, and other inhabitants for their kindness and hospitality, and to the Department for favors received.

Yours respectfully,

EDWARD POSSON,

School Commissioner.

MEDINA, October 1, 1880.

OSWEGO COUNTY — FIRST DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In conformity with your directions, I submit the following report:

I have ever found the supervision of schools replete with arduous labor. In fact, the apportionment of school moneys, the making out of reports, the guidance of teachers' associations, the preparation for, and general oversight of institutes, the adjustment of district boundaries, the examination of teachers, public and private, and the visiting of schools, make up a work, the magnitude of which, in my judgment, is very much underestimated. Even the school commissioner at the close of the first year of supervision is puzzled in his efforts to make himself believe that he fully comprehended at the start the amount of work before him. The past year has been, I think, the most busy that I have ever spent in school supervision, not because there were additional duties to perform, but because the spirit of the times seemed to call for renewed and greater exertions. It seemed as though the time had come when there should be a general advance, or radical changes in our educational system.

In conjunction with my associate school commissioners, I have made a determined and steady effort to advance the standard of qualifications for teaching. That I have succeeded is apparent to me, in the most thorough and satisfactory work found in the school room.

With a large and prosperous State normal school in our midst, with an eminently successful seminary at Fulton, and with several academies and union schools conveniently located throughout the county, and all doing thorough and practical work, it would seem that the standard of qualifications must inevitably advance. But such is not necessarily the case. The State of New York may expend millions of dollars in educating her sons and daughters for the important work of teaching, and yet be defeated in the noble undertaking, by tolerating an imperfect supervision, that through fear, favor, or incapacity grants licenses to unworthy applicants. It is a stubborn fact, which educators should not overlook, that the trustee is from necessity a practical man, standing upon a financial basis. He wants to know the price, and as a rule, unless influenced by favor, is governed by it. It is absurd to suppose he will go back of the license and question the ability of its holder to teach the school. It is neither his duty, nor in his line of action. Thus it is easy to see how it may happen that a considerable majority of the schools may be taught by the lower grades, while those specially educated for the work are compelled to seek employment in other directions. Permit me to report that, I have labored earnestly and firmly to advance the standard of qualifications for teaching, to the end that those most competent for the work might be secured to teach our schools, and though much remains to be done, attended with difficulties, I am satisfied that it is their line of duty.

During the past year, I have made 186 official visits, or visited school twice in nearly all of the 96 districts. During those visits I have found much that is encouraging, and much that is not satisfactory. I have almost invariably found good work in the school room. I have not in a single instance found it necessary to annul a license, or advise the teachers to abandon the school, and after an experience of more than 25 years, during which I have been intimately connected with the public schools, I am satisfied that there has been commendable progress in the practice and methods of teaching. Especially is this true of the last 10 years. It is easily seen that the pupils make more rapid progress, and accomplish more thorough work. The State has, indeed, magnanimously done her part, but, in my judgment, the individual districts have failed to do their share of the work. As evidence, let the school-houses of the rural districts of the State, one and all, rise up in panoramic view. Turn them inside out, and look again. It would be couching a fact in too moderate terms, to say they are *poor*. As further evidence, let the record of attendance tell the mournful fact that the average attendance in the State

is but little more than one third of the school population. I do not like the spirit of the law, but bowing to necessity, I say let the "compulsory law" be so added thereto that its provisions will be effectually carried out. It is useless to undertake to fill a barrel by pouring water into the bung-hole when the head is out.

It seems to me that it would be a worthy achievement, far reaching in its effects, that proper steps be taken, to the end that shade trees may be growing upon every school-house site throughout the State. It would be attended with scarcely any expense, and would be a very welcome advance. As a penalty for non-compliance, let the public money be withheld.

I have licensed 113 teachers during the year. I have pursued the usual course, holding written examinations at convenient places in the commissioner district, using a different set of questions at each place. In licensing teachers, I would very much prefer that second grade licenses should be good for second and third grade schools only.

I can see no sufficient reason why any part of the public moneys should be given to a district on account of those who should but do not attend school. As it now stands, the State offers a premium to those districts that will continue school only twenty-eight weeks. For it is well known that a greater average can be maintained for twenty-eight weeks than for a longer term. I would lengthen the school year to at least thirty-two weeks, and, after deducting quota money, apportion the balance according to the average attendance. Such a distribution would certainly stimulate attendance.

The State normal school at Oswego, is regarded with much favor. That it is accomplishing a great and needed good, is with us an admitted fact. As a rule, I have found the graduates from that school, who have taught in this district, doing excellent work. In this connection, permit me to express the opinion that the normal graduates should receive graded licenses, the grading based upon successful teaching. I think it will be found unwise to stimulate in the graduate, by the terms of the license, the belief that he is, without any experience save that obtained in the training department, prepared to teach successfully any public school in the State. It is my decided opinion that it is injustice to the graduate and the schools thus to ignore that very important factor in the successful teacher — *experience*.

The institute is conceded to be an indispensable element in our educational work. It is my opinion, based upon observation, that in no other way yet devised, can so much, and in so short a time, be accomplished for our schools. The institutes held during the year, conducted by Professors Johonnot and Kennedy, were well attended and eminently satisfactory.

The large union school at Fulton, under the principalship of Professor W. H. Coots, is still increasing its immense amount of work, and is a noticeable illustration of the fact that in union there is strength.

Fully Seminary, pleasantly located at Fulton, under the management of Rev. James Gilmour, assisted by a corps of competent teachers, is rapidly increasing its attendance, and will add much to the already powerful educational forces of Oswego county.

Yours truly,

W. B. HOWARD,

School Commissioner.

FULTON, *December 11, 1880.*

OSWEGO COUNTY — SECOND DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—In compliance with your request, I respectfully submit the following report :

This commissioner district is composed of seven towns and eighty-six school districts. We have one union free school (special act) at Phoenix, and several large and successful village schools.

In Parish school district they have called a special district meeting to consider whether or not they had better organize as a union free school. As another and further evidence of their zeal in the cause of education, I am happy to report that last year this district built a large school-house, of which they may be and are fully proud.

There have been three new school-houses built in this district since January 1, 1879. There is no doubt that a number more will be built in 1881. In one town (Schroeppel) there are eight brick school-houses, ranging in value from \$1,000 to \$8,000 at this time. One brick school-house in town of Hastings valued at \$5,000.

I am satisfied that the people of this district intend to, and very soon will furnish good, comfortable and suitable buildings in which their children may all be educated.

I believe the teachers of this district as a rule (there are exceptions proving the rule) are earnest and honest workers, and are gradually and surely becoming skilled in their work.

The teachers furnished us by the normal schools (especially at Oswego), with few exceptions, bring us skilled work, and by their earnestness, devotion and skill have been of great assistance in helping us to better our methods of instruction.

Our teachers' institutes (held spring and fall), conducted principally by Professors Johonnot and Kennedy, have been very successful. And I mean by that, not only have we had a good attendance of teachers and patrons, etc., but also that institute work and its results can be seen in the schools of the county.

Too much credit can hardly be given our instructors for the permanent good they have left with us at each institute. I believe in normal schools and institutes.

We have the same confusion of "boundary lines" that exists over all the State. I think each district boundary should be surveyed or described, from correct and established title deeds, and filed with the town clerk of each town. I believe it could be done in most school districts with very little expense.

Our district libraries are, in my judgment, with a very few exceptions, an absolute failure. The districts receive each year a small amount of library money, which as a rule they use to pay teachers' wages. I believe it would be better if they could not so use money apportioned as library money.

One of our greatest obstacles in this county is the multiplicity of text-books, and the consequent number of classes. Something ought to be done to arrive at a uniformity of the books used in recitation, leaving others to be used as books of reference and comparison.

I believe it is my duty to again refer to our largest and best school, the union free school and academy at Phoenix. I have for years been acquainted with Professor B. G. Clapp, the principal of said school, who has done so much to make the school a success. He has had what many teachers do not have, the earnest support of the board of education, that is made up of gentlemen who are themselves not only educated and successful business men, but are willing and anxious that those who come after them should be the same. In my judgment, there is no better school in this part of the State. And in saying this, I say no more than is due to the teachers of the Phoenix school, the board of education and to the people of Phoenix who have made the school a grand success.

Although many things are not as they should be, I believe no sudden revolution can better the common school system, but that gradual improvement must remedy the evils so universally complained of. I think the progress made in this State, during the last five years, warrants the belief that the interests of the common school are dear to every thinking woman and man.

I conclude that the schools have the motive power in themselves to succeed. They *do* educate; education assists thought; thought improves the thinker. As the thinker improves, the schools receive the benefit.

I am, sir, your obedient servant,

H. D. NUTTING,
School Commissioner.

PARISH, *December 15, 1880.*

OSWEGO COUNTY — THIRD DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR. — In response to your invitation and request, I submit the following report of the schools of the third district of Oswego county.

There are eight towns in this commissioner district with 110 school districts, 107 of which have school-houses in this county, and employ 130 teachers.

During the past year, I have visited every school district once, all but five twice, and some three times, making in all 235 visits.

These visitations are for the purpose of finding out the kind of work that is being done, its effects, its practical results and prominent defects; to judge of the ability of teachers to make *men and women* out of the little bundles of activities which they are directing—material sacred and plastic under proper influences; to counsel, assist and encourage trustees, teachers and pupils.

EXAMINATIONS.

My examinations were often referred to as funerals, and I can but admit that the *dead* were there sometimes buried from our sight, and that *mourners* were always in attendance. To officiate on such occasions and discharge the sacred obligations of the day, although a clearly defined duty, was an unpleasant one. In fact, the matter of refusing licenses was, at first, the hardest task it had ever been mine to perform. There seemed to be a general impression that "anybody" could teach a "backwood" school, and that "anybody" who had once been licensed was licensed for life. The result of this was that an incompetent person would go into a "backwood" school for the first term, and then take a more advanced one for the second, knowing that they were "inside the gates," and not believing that there was "backbone" enough in man to prevent them from "keeping" it. I hold that the backwood school is caused by the backwood teacher. Hence it becomes my plain duty to remove the cause and allow the school to come up to its normal condition.

Subsequent to my first series of examinations in the spring of 1879, nearly every one who had failed, or the trustee who had hired such a one, had some friend, generally of political influence, either visit or write me, asking that I reconsider my action and certify that the person who had failed was competent to teach. Having held written examinations and retained the work of all applicants, I could show the visitor or writer *why* I had refused said applicant a license, and why I could *not* change my decision. I think public opinion has changed wonderfully on this subject, for at my last

series of examinations, 50 were refused licenses, and I received but one "visit" and that was not a *pressing* one. It was not my design to make the examinations exhaustive, but to establish a minimum limit of knowledge of subjects to be taught and methods of teaching, below which no one should be allowed to assume the responsibility of teacher.

Last year 360 asked for licenses, were examined, and 178 failed to "pass" and *were refused licenses*. This year they come much better prepared, and but 267 were examined, two-thirds of whom passed. I have given, during the past two years, 5 first grades; during the past year, 45 second grades, and 130 third grades, 58 of which are now in effect. Total number of licenses given by me that will not expire until after March 1, 1881, 108.

But, you ask, "what is the result of all this?" First. I have a clear conscience. Second. I have a corps of live, enthusiastic, progressive teachers, who are studying professional works, reading professional papers and doing excellent work. Third. With 319 less children than in 1879, the average daily attendance has increased 81,537. Had the 319 remained in my district, and the same proportion of those attended as of those who were here, there would have been a gain of 218,647. This is equivalent to a gain of two in the average daily attendance of every school district under my supervision. Or to put it in another form: In the year ending September 30, 1879, 39 out of every 100 pupils of school age attended school 28 weeks or more. In the year ending September 30, 1880, 43 out of every 100 attended for the same length of time. I attribute this increase in attendance to the fact that the teachers have so improved the public schools that private schools cannot live in their midst, and that in the "backwood" schools the live teacher awakens an interest, and the pupils not only attend more regularly, but the enthusiasm spreads, and others come in. Fourth. There is a third larger attendance at the high schools and academies in 1880 than in 1879. Fifth. Much more work and much better work has been done in 1880 than in 1879. This will admit of measurement no more than the influence and inspiration of a cultured person in a school or in a community.

One suggestion under this head. Would it not be a decided improvement to hold uniform examinations throughout the State on the same plan as you now hold examinations for State licenses? At present a third grade in some districts means more than first grade in others. This ought not to be.

INSTITUTES.

The institute has become an important factor in the educational problem of the State, and cannot be eliminated without seriously affecting the result. The State pays out no money from which it gets greater returns than from that which it gives to the support of the institute.

The institute held in Parish, in Commissioner H. D. Nutting's

district, commencing May 5, 1880, and conducted by Profs. James Johonnot and John Kennedy, added largely to the effective teaching force of this county. I can pay those men no higher compliment than to state that I found on visiting the schools that their thoughts, suggestions and work were being intelligently and advantageously put into the schools.

The institute held in Mexico, in this district, October 4, 1880, and conducted by the same Johonnot and Kennedy, with equally good success, was attended by that firm, unyielding number, "306."

The people of Mexico opened their houses and their hearts and bade us welcome. A number of citizens attended the day sessions, and evenings the large hall was filled to overflowing.

Prof. William Wells, of Union College, delivered the Friday evening lecture; subject, "The Evils of our Social Culture." The professor was in his happiest mood, and his lecture was a fitting finale for our excellent institute.

HIGH SCHOOL AND ACADEMIES.

Prof. J. Edmund Massee, of Sandy Creek high school, and Prof. E. M. Wheeler, of Pulaski academy, each organized a teachers' class last term. The students were instructed in the philosophy and methods of teaching. These principals expect no pay for their extra work, and deserve much praise. Prof. J. M. Giffon is doing excellent work in the Mexico academy, of which he is principal. In those three schools my teachers are made.

TAXATION.

The proposition is now generally admitted that the property of the State should educate the youth of the State. A necessary corollary to the above proposition is, that every taxable dollar of the State should bear its just proportion of the burden.

The present district organization does not aid in promoting this equality. For example: In the town of Boylston, of this district, No. 9 receives \$152 from the State, while the adjoining district No. 8 receives but \$82. Other things being equal, No. 8 must raise by tax \$70, before her children can have as good educational advantages as those in No. 9 can have without raising a dollar. This is not an isolated or exceptional example. The inequality exists in every town in the State.

To remedy this unjust state of affairs, I would suggest, First. That the State tax be made large enough to nearly or quite pay teachers' wages. Second. That the money for teachers' wages be divided into two equal parts, instead of into two unequal parts of one-third and two-thirds each, as it now is divided. These two alterations would make the "district quota" about \$75. This would help the weaker districts very much.

Another reason for making the State levy larger is this: there will be a certain amount of money used for the payment of teachers' wages. That which is not raised by general tax must be raised by local tax. Hence no real saving, except to soulless and childless

corporations and individuals, can be made by reducing the State levies and increasing local taxation on the poorest rural districts to work up the deficiency. These districts send their produce over the railroads, thereby contributing to their support. Ought not the railroads in their turn help support the schools of these districts? Again, the buildings, even the school-houses of these districts, have paid their insurance policy to some company, whose main office or point of taxation is in some far away city. Ought not these companies to contribute toward the expenses of educating the children of these districts? Have they not less risk to take in a district where a good school is maintained than in one where there is no school or only a poor one? Third. Make the town the unit of taxation for teachers' wages instead of the district. Then the district tax will be only for wood, repairs and building. I think this would be an opening wedge to the more complete township system, a system which I believe to be a good one, but which would at present cause too much friction to be successful. I believe these three changes would do much towards equalizing taxation for school purposes.

Full equity, however, will not and cannot be established until every dollar of taxable property in the United States bears its joint proportion of the expense of educating every person of school age in the United States, until we have an active, aggressive, national department of education.

I cannot close without thanking the noble hearted teachers for the ready, effective support they have given me in all my work, and the people who have bade me welcome to their homes in every part of my district; and to my fellow-commissioners, Nutting and Howard of the second and first districts, whose counsel and courtesies I have often asked and always received; and to the Department I shall ever be indebted for the innumerable kindnesses received therefrom, and for the prompt, ready answers to all my queries.

Yours very truly,

JAY E. McGUIRE,
School Commissioner

BOTLSTON, *December 12, 1880.*

OSWEGO COUNTY — OSWEGO CITY.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—In compliance with the directions contained in your circular, I have the honor to report that the public schools of this city consist of thirteen grades, requiring one year for the completion of the subjects taught in each. These grades are designated C, B and A, primary; C, B and A, junior; C, B and A, senior; D, C, B and A, high school.

In the C primary class, reading is taught by phonic and word methods combined, and the primer and first reader are completed. In number, addition and subtraction are taught with objects, no number greater than ten being used. Printing is taught in connection with reading, and simple lessons are given in drawing, place, human body, size, color, form, objects, mammals and birds.

The B and A primary classes complete the second and third readers, primary speller, and all the tables in addition, subtraction, multiplication and division, not using numbers that exceed one hundred. They also have drawing on slates, lessons in place, including city and county maps, and writing on slates both small and capital letters.

In the three junior classes, the fourth reader, elementary arithmetic and elementary geography are completed. Practical arithmetic and graded speller are commenced, and Nos. 1, 2 and 3 Spencerian copy books, and Krüsi's synthetic drawing books Nos. 2, 3 and 4 are completed. Vocal music is taught in all the primary and junior grades.

In the three senior and D high school classes, the fifth reader, practical arithmetic, comprehensive geography, English grammar, speller, physiology, etymology, United States history, Nos. 4, 4½ and 5 Spencerian copy books, and Nos. 5, 6 and 7 Krüsi's analytic drawing books are completed.

In C, B and A high school classes, the following subjects constitute the full course: Algebra, natural history, civil government, physical geography, geometry, outlines of history, geology, rhetoric, natural philosophy, English literature, chemistry and astronomy, with impromptu composition and rhetorical exercises weekly, and Latin, Greek and drawing discretionary. The principal, in his discretion, may allow a pupil to substitute for any one of the studies in these classes, either Latin, Greek or any other subject that is as difficult as the one for which the substitution is made, except for arithmetic, geography and grammar.

The annual examinations for promotion or graduation are now in progress in all the grades. In the primary school, these examinations, except in number and spelling in the B and A classes, have been conducted orally by the visiting committee. The committee are now examining the writing and drawing, and have conducted oral examinations in reading in the junior and senior grades. The written examinations in the B and A primary classes in spelling and number, and in the junior, senior and high school classes in the subjects not before named, are not yet completed.

The results of the oral examinations, in the judgment of the committee, have been more satisfactory than the corresponding examinations of last year; and still we believe that we ought to and can attain a higher degree of excellence, especially in reading and writing. Important modifications in teaching these subjects have already been

recommended to the board of education, which, if adopted, will, I hope, produce beneficial results. I remain,

Respectfully yours,

VIRGIL C. DOUGLASS,

Secretary Board of Education.

OSWEGO, January 21, 1881.

OTSEGO COUNTY — FIRST DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—In accordance with your request, I herewith transmit my annual report for the first district of Otsego county.

Our schools in this county are improving slowly. There is a waking up on the part of the people in regard to building new school-houses. The old houses are being repaired and the most of them are putting in patent seats. When new houses are built, the people, in every instance, have either purchased a new site, or added to the old one.

Our teachers' institute, held at Cooperstown, in September, was one of the best institutes I ever attended. The teachers were wide awake, and all seemed earnest and willing to do a better work in the school-room than they had ever done before. Our instructors, Professors Kennedy and Pooler, accomplished their work to the perfect satisfaction of all concerned.

There is a class of teachers who have had a certificate since the school system was first inaugurated that think you should still license them. They will not attend a teachers' institute or association (I wish there was some power compelling them to attend), and are just where they were twenty years ago. But we will hope for better days. If we can so train the younger teachers who will soon take their places, that they will be first-class, we have accomplished a good work. I cannot accomplish the half of what I would be pleased to do, as my district is too large.

I have 150 school-houses, with 170 teachers constantly employed, scattered over a large territory, and it is an impossibility for me to even visit them twice a year.

I have licensed nearly 300 teachers and refused 190. So you perceive the office of school commissioner of the first district in Otsego county is not wholly a sinecure.

We have added one to our union schools in this district the past year. It is located in the village of Schenevus, under A. G. Kilmer, and is in a flourishing condition. The school in Cooperstown, under J. G. Wight, was never in a better condition than it is at this time. I have now an application to consolidate three small

districts, and form *one* good one. So you see the good work goes slowly on. As soon as we can educate the public up to a proper standard, then and not till then will our public schools be all we wish.'

Yours truly,

A. G. TUTHILL,
School Commissioner.

WESTFORD, December 5, 1880.

OTSEGO COUNTY — SECOND DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR. — Following your directions, I submit the following report :

I have made about 200 visits to schools in my district. I endeavored to make these visits long enough to become acquainted with the schools. The short calls I did not count. I have been pleased with the marked improvement in the system of teaching. The old *book-rule* work is being gradually dropped, and a common sense method put in its place. Much opposition is manifested in some localities to any thing new ; even orders are given that the old way must be followed. I have advised the teachers to go on, keeping within the bounds of the law, and work out the way and prove to the people that our methods are right. A greater part of the teachers are doing hard work for themselves and good work for the schools. The great trouble here is to get teachers enough who are qualified. The wages are so low that much of the best talent is driven out.

I am obliged to license many whom I believe I should not, in order to keep the schools supplied. Trustees of small districts will not look to the value of the work, but to the amount of tax to be raised. They wait until all the teachers are engaged, and then send to me to supply the deficiency.

I have raised the standard of qualification so much above what it has formerly been that there is often a lack of licensed teachers. The result of this has been to advance the wages a little. The earnest, working teachers give me their hearty approval and support. Knowing, as they did, that the price was lower than in any other calling, they are now using every effort not only to prove their value as teachers, but to hold a just recompense for their labor. The *would-be* teachers, or rather school-keepers, and their many friends are opposing me in all the ways possible. They strive to save a few cents tax by making a cheap school, taught by a cheap teacher, who instructs in a *cheap* way.

It is impossible for me to visit all the schools twice a year. I think much more improvement could be made in the working of the schools, if we had a less number to visit. I have used all my time, however, and have done the best I could.

It has been the custom, in this and adjoining counties, for the commissioners to go to each town and spend one day, spring and fall, examining teachers. I tried this one year and came to the conclusion that it failed to reach the needed object. In the one day examination there was no time to ask or to answer a question. Many would be there whom we could not persuade to attend an institute. There was need of instruction in the methods and art of teaching. I think no one has a right to be commissioner until he can teach the teachers. To carry out this idea, I issued circulars stating that there would be but two drills for the examination of teachers, and these would continue three days. I also stated in the circular that instruction would be given in each branch before the examination. I asked the teachers in the graded schools and those of much experience to aid me. At the session held at Edmeston last spring there were 60 present, and at Otego there were 125. The advanced teachers responded promptly, and we had pleasant and profitable meetings. There was much grumbling before, but after the sessions I did not hear one teacher find any fault.

I am not fully satisfied, by any means, with the results of my work. I can manage the teachers, if the people will pay them sufficient wages to allow them to attend institutes and other classes. I can see no other way to obtain the required work, under the present laws, but to create a public opinion in their favor—a slow work.

It seems to me that it would be for the good of all concerned if the questions for teachers' examinations came from the Department at Albany. If the questions were uniform and a certain per cent. required, the present political and personal influence would lose its force in the pressure for favoritism. The Superintendent is removed, and wisely too, from any direct effect of the prejudice and ignorance of the people. A commissioner is often crippled in his work by the enmity created from a refusal to license applicants for certificates.

Concerning the school-houses and grounds, I cannot make a favorable report. There have been eight new school-houses built, during the past year, and about twenty repaired; but it has, in most cases, been a matter of driving. There are some good buildings in pleasant situations, with agreeable surroundings; but there are many dungeon-like buildings, with poor ventilation, uncomfortable seats, no attractions about buildings or grounds. Many districts have no site except the ground upon which the house stands. Thus they have no conveniences for outbuildings or play grounds. I have tried to persuade the districts to buy land and improve the condition of things, but, with few exceptions, to no purpose.

There should be changes in the control of sites and school-buildings. Either the commissioner should have more power, or such property should be under the control of a town board, which might make provision for all the districts in the township.

In regard to district boundaries, I am in doubt how to proceed. In none of the towns can I find a record of the boundaries of any district, unless it be some recent order. I am well aware that the

law directs a commissioner to correct the boundaries, and see that the records are right. But if I were to do that, all the other duties must be neglected. It would take up the time of two years or more. Although the boundaries are not as they should be, I make but few changes. It is difficult to make them better without a general rearrangement.

When I began the work of supervising the schools, I found that the teachers were not able to attain the desired standard of education. Believing the teacher must thoroughly understand the subject taught, and that earnest study not only collects facts, but deepens and makes broader the power of thinking, I determined to take measures for the education of the teachers. After agitating the matter, and consulting with the advanced teachers, we organized an association for the self-education of its members. The following is the constitution as adopted:

Preamble. We, the teachers of the second assembly district of Otsego county, in order to more thoroughly qualify ourselves in our work as teachers, and to secure a more hearty co-operation, do establish the following constitution:

ARTICLE I.

NAME.

SECTION 1. This organization shall be known as The Teachers' Normal Institute.

ARTICLE II.

OFFICERS.

SECTION 1. The officers of this institution shall be, first, a president; second, two vice-presidents; secretary and treasurer; and an executive committee of seven members, including the officers.

§ 2. It shall be the duty of the president to preside at all meetings and to perform all the duties naturally devolving upon a presiding officer.

§ 3. One of the vice-presidents shall act in the absence of the president.

§ 4. The secretary shall attend to all the duties naturally connected with the office.

§ 5. The treasurer shall hold all moneys, and pay them over upon the order of the president or secretary.

§ 6. It shall be the duty of the executive committee to prepare a course of study, to be submitted to the members of the institute.

ARTICLE III.

MEMBERS.

SECTION 1. It shall be the duty of each member to spend a certain amount of time in the study of such branches as are necessary to his success as a teacher, from the plan laid out by the executive committee.

§ 2. Each member shall report his or her progress each month to the secretary.

§ 3. Persons wishing to become members of the institute can do so by sending their names to the secretary, accompanied by the initiation fee of fifty cents.

§ 4. Examination of members shall be arranged by the executive committee by mailing to said members at least three times a year, a list of questions, answers to which shall be carefully written out and sent to the secretary, accompanied by a declaration of honor that they have performed the work unaided.

§ 5. A meeting of this organization shall be held once each year, the time to be specified by the executive committee. At this meeting officers will be elected, and all business naturally connected with the institute will be transacted.

It has been in working order since last April, and we can already see that much benefit has been obtained. There are now about 160 members, and those who have worked out the matter given, have little trouble in passing an examination. We are now working upon the common studies, and those in which they are required to pass an examination for licenses to teach. We shall soon take some more advanced subjects. The executive committee lays out the work for each month, which is sent to the members by circular. We hope and believe it will result in much good to all connected with it and at the same time give us better teachers.

Circular for June, 1880:

OFFICE OF THE SECRETARY OF THE TEACHERS' NORMAL
INSTITUTE, OTEGO, OTSEGO COUNTY, N. Y., }
May 25, 1880. }

OBJECT: THE PROMOTION OF SELF-CULTURE.

Prof. N. N. Bull, president; Comr. A. G. Miller, 1st vice-president; P. P. Bentley, 2d vice-president; Will H. Putnam, secretary; W. D. Buckley, treasurer; M. Eliza Sweet, Ida J. Coe, executive committee.

At a meeting of the officers, the following course of study was arranged for the coming month:

Arithmetic: to compound numbers.

Grammar: the noun (classes, declension, properties, etc.); adjectives (kinds, comparison, etc.)

Geography: New York (counties reviewed).

History: American history to the year 1607, with the colonial history of Virginia.

Civil government: State officers (election, salaries and duties).

Physiology: classification of the bones of the skeleton.

I send this course to all, whether I have received any report or not, as last month's work in geography was, perhaps, rather more than should have been prescribed for a single month.

I am, very sincerely yours,
WILL H. PUTNAM.

The teachers' association of this district is alive and doing good work. The meetings are held semi-annually, and the last three sessions have been largely attended, and the time all taken up with papers and discussions upon practical subjects.

I am of the opinion that public sentiment is growing in favor of the institutes. Those of 1879-80 have been more largely attended, and more interest has been manifested by the teachers. We need more of such work for our teachers. If we could have a county normal institute of six or eight weeks during the summer vacation, we might have better methods and systems of teaching.

Throughout the district, I believe there is a healthful progress. There is more enthusiasm, more work done by the teachers, and better work in the schools. The results of this are seen in the annual abstract. While there was a less number of those, residing in the districts, who attended school in the last school year by 98, than there was in the previous year, there was an increase in the average attendance of 136. This is an argument in favor of good schools; but besides that, it proves that we are doing work.

We cannot claim that our school system is as good as it might be. There are many plans proposed to improve it, all of which have good features. The township plan has many things in its favor, by my opinion at present is this:

Give the State Superintendent the appointment of committees for the examination of teachers, the questions forwarded from the Department; give the commissioners more power over the trustees and the sites and school buildings; pay them salary enough, so that they may fit themselves as instructors of the teachers; require of them a high standard of qualification; and demand a more thorough work from all the officers. If this were done, there would, at least, be a movement toward perfection.

With many thanks for your advice and aid,

I am, your obedient servant,

A. G. MILLER,

School Commissioner.

LAURENS, *November 20, 1880.*

PUTNAM COUNTY.

HON. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In compliance with your circular of July 20, the following report is respectfully submitted:

During the past year, I have made 117 visits, having visited 61 schools.

In 15 of them they have first-class teachers the whole year, and generally keep the same ones for years; in 23, they are doing good work; in 15 fair; but in 8 the inhabitants take little interest, many of them being unable to read and write; and although the teachers have generally been such as would have done fair work had they had any encouragement, the schools have not been what they should be, even though they are among the wood-choppers and coal-burners of the mountains. The trouble with the schools in this county is not so much with the teachers, although some of them might be greatly improved, as with the trustees and people. None of the schools have anything like the amount of apparatus, maps, charts, etc., they should have; and with few exceptions they have none whatever, except a blackboard, and in some not even that.

There are but few teachers in the county who would not do better work with a slate and pencil, or paper and pencil, in the hands of every pupil, and a proper amount of apparatus, maps, charts and blackboard, in the school room, with no books except readers, than they can as now situated. The people generally want too much of the book, and have not learned to appreciate any other appliances, as though that was the end and not a means.

I do not wish to be understood as favoring entirely or even mainly, oral instruction; but I would use enough of this, combined with other methods, in such a manner as to bring the subject within reach of the pupil's understanding, that he may after he leaves school be able to use what he has learned, and add thereto.

A teacher can, by the use of a little inventive genius and exertion, supply many of these deficiencies, and influence the trustee to furnish at least a blackboard; but in many schools the teachers are employed for only 14 or 16 weeks, at the lowest possible price, and do not enter into this work as they should, or as they would if employed for the year.

I am trying to awaken an interest in both teacher and people, in the hope that in the future the schools may be well supplied with such appliances as are most needed. To this end, I placed in every school-house, last year, a map of this county, a copy of which is in your office; and herewith I send you copies of 5 charts, prepared the present year, for each district. Others will follow until they have all that can well be supplied in this form, and this without expense to them.

During the year, I have given 6 first, 24 second and 20 third grade certificates.

Ninety-seven different persons were employed as teachers during some portion of the past year. Of this number, 7 held State certificates, 12 were graduates of the State normal school at Albany, 24 held first, 34 second, 20 third grade certificates.

Of those who held first grade certificates, 3 were college graduates, 1 a graduate of the State normal school of Massachusetts, one had

attended the normal school at Cortland, N. Y., for two years; 9 the normal school at Albany for from 2 to 3 terms.

With only two exceptions they have all taught three years or upward, under my supervision, and those two have taught much longer in other counties; the whole number of terms taught by these 24 teachers being 436, or an average of 18. None of those holding second grade certificates have been teaching less than one year, and many of them have been teaching in this county from the time of my first election, five years ago. Most of those holding third grade certificates are young teachers who have been teaching but a short time, nearly all of whom were educated in the schools of this county, and have been examined by me, from time to time, for years past.

From this it will be seen that but little special examination has been necessary; the third grades having been, to a great extent, to young persons educated under my own eye; the second and first grades from actual results in the school room.

I am, however, of the opinion that there should be, in each commissioner district, an examining board to consist of three members, one of whom shall be the commissioner, the other two to receive their appointment from the Superintendent of Public Instruction, each of whom shall possess the qualifications hereinafter specified as necessary to make them eligible to hold the office of commissioner; that they shall meet at convenient places at least four times in each year to hold examinations, and be empowered to issue certificates of the same grades as now issued by commissioners; that no commissioner shall alone have power to issue a certificate above the second grade, and that not to exceed six months, and that he shall not issue a second certificate to the same person.

The institute has done good work in this county. Our people are favorable to it, and becoming more so every year.

Since I have been in office, two institutes have been held at Brewsters, two at Cold Spring, one at Carmel; thus giving a greater portion of the people an opportunity to attend and learn their workings.

So long as we hold institutes, teachers should be obliged to attend them, or have such an excuse as would excuse them from teaching during the time. Any person teaching in the county at the time of holding an institute who did not attend and did not render a valid excuse to the commissioner, should not be considered a qualified teacher until the holding of an institute at which he did attend.

As many of our teachers receive less than \$2 per day, and the expenses of attending an institute will average fully that amount, and many of the teachers being unable to sustain any extra expense, the allowance by the district should in no case be less than that amount for each day of attendance.

Before the distribution of the public money the amount paid to teachers during their attendance at the institute should be deducted

from the pupil and average attendance money and credited to the districts paying the same.

In regard to normal schools, we have had but few teachers from any except the one at Albany. From this there are usually from 10 to 12 graduates and about the same number who have attended there for a longer or shorter period, teaching in this county, nearly all of whom have been excellent teachers, and highly appreciated by the people, and therefore the people in general approve of normal schools.

In my judgment, they are doing an excellent work, but not just what was expected of them. They were designed entirely for the education of persons desiring to become teachers, whereas fully one-third of those who have attended from this county have taught only from one to three terms after leaving, and some not at all. This is owing in part to the fact that they receive many who would never make good teachers, and when they leave they are either unable to obtain situations, or do not retain them long. A few of those who do not teach would make the very best of teachers, but find more remunerative employment. I do not know as this can be remedied, and even if it cannot, I am in favor of their continuance, as we get many more good teachers than we would without them.

So long as our district system remains as it is, I see nothing in the method of distributing the school fund that I would change except to require districts to maintain a school at least 32 weeks (better 36) and divide, in proportion to aggregate attendance, that portion now divided in proportion to average attendance, thereby encouraging longer terms of school.

The boundaries of but few of the districts are on record, and they are mostly very indefinite; but I have had very little trouble in this respect. It would, however, be much better were they definitely defined and on record.

In some instances large and small districts adjoin, both sustaining the same grade of school. In the larger districts some of the inhabitants live much nearer the school-house in the small district than their own, and would be glad to be set into it; but as the consent of the trustees of the larger district can rarely be obtained, they usually remain, thereby injuring both schools.

The principal local difficulties have arisen in districts where there was only one trustee and districts containing real estate owned by persons living in an adjoining district.

In some districts the people complain if a sole trustee employs a teacher for a term extending beyond the expiration of his term of office, and in others if he does not. As a result many of our schools are vacant during September and October, two of the best months for school.

Trustees should be elected in July, and property assessed in the district where it lies.

There are instances in this county where persons living in one district own nearly all the real estate in an adjoining one.

As to school law, we need less of it and more to the point, so all can understand it, and thereby have all local difficulties settled at home, giving the State Department less annoyance and more time to devote to the general interests of education.

As in the past, I favor a township system, with a board of education in each town, that shall attend to all duties now devolving upon trustees.

Finally, in regard to school supervision we need more of it, and more thoroughly done, instead of less.

The commissioner system is the best we have ever had ; but as it now is, it is far from what we need. It is an elective office, and thrown into politics. This is all very well, if any qualifications were required, but unfortunately there are not. I know that most of the commissioners are men of experience and culture, an honor to those who elected them, and in every respect well calculated to advance the educational interests of the State ; but on the other hand, I have known some who were, in no respect, qualified to receive even a third grade certificate, much less to be commissioners in districts in which are to be found some of the best teachers in the State. This has had more to do with creating opposition to the office than all else combined.

No person should be eligible to the office, who is not, either a graduate of some good college, one of the normal schools of this State, or holds a State certificate, obtained by actual examination, and not by the recommendation of a school commissioner ; and in addition thereto to have had at least three years' successful experience as a teacher in some good school, not in some third-rate school in a back country district ; and if it were possible to add, nor unless his whole energy was directed toward the advancement of the cause of general education. He should be able to give in a clear, concise manner, just such instruction as teachers need. In other words, be fitted for a first-class institute instructor.

It is a fact, that almost every live school commissioner in this State is engaged in some outside business, and does not use his whole time for the benefit of the schools. This should not be. There is not a commissioner district in this State so small, that a good, thorough, well qualified commissioner could not use not only five, but six days every week, for ten months in the year, and then not have half the time to do all he could see to do, or felt ought to be done, for the schools.

I know I will be met from all sources, with the answer that persons with the requisite qualifications who will do this, cannot be obtained for \$1,000 per year. Admit the fact, but nevertheless such should fill the positions, and if need be advance the salary. The salary of a school commissioner should not be less than \$1,500 in any district in this State. It would be better still to

have such as could not be had for less than \$1,800 or \$2,000, and elect such as can and will earn it.

The law should say to every commissioner, that if he has other business, it must not in the least be allowed to interfere with his official duties, and that he must in each year use at least eight months' full time, six days in the week, with the schools, so arranging his work that each section shall receive its due proportion. At the beginning of the year he should look over the whole field of his labors and arrange his general program for the year, to be strictly followed unless when some special and unforeseen duty interferes. At least two weeks before visiting the schools of a town he should send to each teacher a notice, naming the day he will begin his visits in that town and the time he will remain; naming also the day on which he will visit each school, and requesting them to notify the patrons. He should also set apart two evenings and the Saturdays in each week, to meet the teachers at places named, giving a general program of exercises, and requesting the attendance of all the teachers. This would form a thorough teachers' association in each town.

In addition thereto, he should form a commissioner district association, or, together with other commissioners of the county, a county association, and have it meet once in three months, two days at each session, Friday and Saturday. The Fridays on which teachers attend to be allowed them, the same as time spent at an institute. One year of such supervision would do more to advance our schools than ten of the present, or twenty of any of our previous methods. It would so awaken the teachers and people that even those who are now opposed to commissioners, would say it was not only the best, but really the cheapest.

Respectfully yours,

THOMAS H. REED,

School Commissioner.

BREWSTERS, *October 30, 1880.*

QUEENS COUNTY — FIRST DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR. — In accordance with your request, and in addition to the financial and statistical reports already forwarded to you, I herewith submit the following report of the public schools of the first commissioner district of Queens county :

Number of school districts.....	40
Number of teachers employed....	106
Number of children 5 to 21 years of age.....	11,258
Number of children attending school.....	6,706
Average daily attendance.....	3532,080
Per cent. of attendance to number registered....	52
Total expenses for year.....	\$73,765 48
Expense per pupil registered.....	10 99
Paid for teachers' wages.....	49,075 71
Average ".....	462 97
Public money received.....	20,513 98
Raised by tax.....	51,010 78
Assessed valuation of property.....	11,159,389 00
Average tax on \$100.....	.48
Total value of school-houses and sites.....	191,775 00
Average " " " " " ".....	4,794 00

WORK DONE.

During the year, I have given my whole time to the duties of the office — have not practiced any profession, nor engaged in any business.

Except for the past three months—a portion of which time my health would not permit—I have spent an average of more than six hours per day for five days in the week, and have set apart Saturday as a day on which trustees and teachers can find me at home.

Besides attending to the clerical duties of the office, I have visited each school from once to seven times—have assisted in arranging courses of study—drawn maps of districts for trustees—acted as president of the Queens county teachers' association, chairman of committee on educational exhibit at the county fair, and a member of the State committee on educational revival in improved methods in teaching. I have attended examinations, teachers' institutes and State associations, and by reading and otherwise have tried to keep well informed in methods, in mental, moral and physical discipline. I have also, for a few days, supplied the place of teachers who have been sick, or called away from school.

I find that the office of school commissioner demands quite as much time, thought and energy as does the principalship of a graded school. Yet there are plenty of persons, like a commissioner I once knew, who was a *lawyer* and a *business man* besides, and when attending to the duties of his office, sometimes *visited six* schools in *one day*.

Some of them have already nominated themselves—a year in advance—and are so persistent in their determination to "serve their country," that although I was elected by twelve hundred more than the party vote, I shrink from the contest, and very likely, whether

unwilling or willing, shall step aside, and with scores of others who have taught for a decade of years receive "counsel and advice" from a politician who never taught a day.

A school commissioner should be compelled to devote his whole time to the office; and even then he would be unable to properly attend to all its duties.

SCHOOL-HOUSES.

Our school-houses are generally good and well kept, as are also the school grounds, many of which are provided with shade trees and shrubbery.

Most school rooms are supplied with good furniture, and a fair quantity of apparatus; and some of them are ornamented with pictures and house plants, but in nearly all the ventilation is positively bad—or rather there is none at all—and during the winter months the bad air must permanently injure the health of both pupils and teachers. Stoves and furnaces should have a much greater heating capacity, and to avoid draughts the fresh air should be admitted underneath the stove—where stoves are used. Seven districts do not own sites, but two of those will purchase lots and build new houses during the coming year.

TEACHERS.

Most teachers are doing good work, some of them excellent work; and nearly all of them realize that perfection has not as yet been attained by any one, and evince an earnest desire to improve by soliciting advice and examining new methods, and four-fifths of them take and read teachers' journals; but there are a few who have not awakened to the fact that true teaching requires unceasing investigation and progress on the part of the teacher, as well as that of the pupil. In their cases there is hope, for they are mostly young, and can be made to realize that they are *not yet established in the business*. Most teachers of experience manifest a growing interest in this work, and are determined to *keep to the front*; but a very few of those who "have been long in the way," have ceased to advance or grow, in fact, have "ripened;" and it will be a blessing to their poor pupils when they shall have been "*gathered in,*" or at least *removed from the field*. They teach, as they were taught twenty years ago, words before ideas; rules and definitions first, principles afterward, if ever. Without investigation they denounce all "new departures" in theory or practice. They hold that the highest excellence in teaching is *good order*, and treat the mind as if it were a sort of garret, intended chiefly for the storing away of ancient relics or dry facts, which *may* but which probably will *not* be of use in after life; or as a store-house, the main apartment of which is memory, and the teacher's duty being to assist in piling into it a heterogeneous collection of unmerchantable wares; or as an undeveloped tree, with the

teacher's duty to be to *develop* it into a "thing of beauty and a joy forever," by *artificially attaching thereto* the *products of other climes*, or the *golden fruits of other minds*, instead of being what the mind really is, a *priceless germ*, planted in the fertile soil by the hand of the Immortal; a thing which, with a *true* teacher to stir the ground, to watch and guard the tender plant, to prune it a little here, and give a new direction to it there, will continue to expand, with a systematic growth, after the care of the teacher is withdrawn, being "fed from within with all the strength it needs," and in due time it will bear fruit—immortal fruit.

PUPILS.

Many pupils seem to be unable to express what they know of their school work, or of familiar things. It may be attributable to a lack of confidence, to a want of thorough teaching, or to bashfulness, considerably to the latter no doubt, for they are more frank as they become better acquainted with me, but I believe in teaching so thoroughly that when pupils know anything they *know* that they know it.

A law should be enacted giving teachers some control over the conduct of pupils going to and from school; and for unreasonable punishment teachers should be tried before the county court for "cruelty to children" instead of for "*assault and battery*" before a local court with no power to waive an examination as it is now.

Few teachers will run the risk of being "arrested" and smirched for personal spite or prejudice, and generally without power to expel, even in extreme cases, the teacher's authority is impaired and a spirit of lawlessness is engendered.

LICENSES.

Within the year, I have granted 11 first, 20 second, and 45 third grade licenses. Thirty-six of them were renewals. I also annulled one license for intemperance and dishonesty.

The plan is to give a written examination, requiring for a third grade license, a good knowledge of the common English branches, and *some* knowledge of methods in teaching; for a second grade, two years' experience, a thorough knowledge of common English branches, and a good knowledge of methods; and for a first grade, four years' successful experience, a thorough knowledge of common and higher English branches and of methods.

There is no uniformity throughout the State in the grading of licenses; some commissioners require a rigid examination, others grant licenses to please friends or to show an appreciation of a pretty face—one in Central N. Y. gave a half dozen blanks to a friend to fill out *for whom he pleased*.

All licenses should be granted, upon examination, by the Department of Public Instruction.

TRUSTEES.

Trustees, as a rule, are superior men and endeavor to secure good teachers, and will not accept the first applicant nor the lowest bidder.

Fifteen inexperienced teachers have been employed, but five of them have had the advantages of normal training.

Trustees almost everywhere make a great mistake by putting cheap inexperienced teachers in charge of classes of the *smallest* children, just the ones who above all others should have the *best* teachers, teachers who by study and experience have become familiar with child nature, and can so apply the principles of moral and mental culture as to induce such a love for study and for books, as shall be a lasting influence for good, while in the hands of a careless or incompetent teacher the same pupils might become eventually dwarfed, and acquire a permanent dislike for school and every thing pertaining to it. I really believe that the lives of many persons have been shaped toward success or ruin by the influence of proper or improper treatment during their first year at school.

If inefficient teachers must be employed, let them be put in charge of larger pupils who, having been *started* right, might be able to *pull through in spite of poor teaching*. The trustees of our best schools are looking into this matter and are coming to rational conclusions which result in a "change" both in ability and remuneration of primary teachers.

Several trustees have desired me to fill vacancies by a competitive examination of applicants, in which cases I give due credit for experience and for knowledge of methods. I think it a good plan, as it prevents personal or political favoritism.

The average time of school in each district is forty-one weeks.

The salary for male teachers in most districts is from \$800 to \$1,200, and for females from \$400 to \$600.

Trustees paying the above salaries can demand, obtain and retain good teachers, and seldom hear complaints from patrons about the condition of the school or the wages paid, but in a few districts the number of children and the rate of taxation may be a proper excuse for having a cheap school

TAXATION.

The average rate of taxation is forty-eight cents on \$100, but in the several districts it varies from twelve to eighty-seven cents.

The village districts pay the highest rates, and yet feel obliged to economize, as they think, by employing cheap teachers for the primary classes, while country schools, as a rule, in my district, pay liberal salaries, and their tax is merely nominal. Such inequalities are evidently unjust.

The State tax should be raised to two and one-half mills, and all further school expenses paid by a *town tax*, and teachers should be employed by a board consisting of one trustee from each district in

the town. That would do away with the endless troubles about district boundaries, many of which are unsatisfactory or in dispute, and not one of which, in my district, is described in the town clerk's office, as the law directs.

I shall, if possible within the next year, have them all agreed upon, mapped and recorded.

APPEALS.

There have been but few serious local difficulties arising out of school matters, and but two appeals from my actions, both of which were promptly and, I presume, satisfactorily settled by the State Superintendent.

STATE SUPERVISION.

Allow me just here to say that, in my opinion, the present manner of disposing of disputes and appeals is in every way preferable to placing them in the hands of an unwieldy *State Board*; and I earnestly hope that the matter of "unification," which has been agitated for a few years past, received an effectual quietus at the State association at Canandaigua, last summer.

It would never do to put our public schools into the hands of the managers of academies and colleges, for they would grade them from our primaries to their universities, and would virtually destroy their practical value by narrowing up the work of teachers and depriving them of the little liberty they now enjoy over the clamor for *higher studies* and *bigger books*, to branch out a little here and there and make fast the details of their teaching in the practical things of every day life, which is so essential to the masses of children in our common schools, who require, above all else, such moral and mental training as will best fit them for intelligent citizenship.

More than one-half of our college bred men, especially the wealthy ones, are hurried through or over the rudiments of education; so that when they graduate they realize that they have no foundation among the common things of earth, and are out of place among ordinary business men; in fact, are of but very little use anywhere; reminding one of the overgrown boy, who, in endeavoring to make his pants and vest meet, tugged away at his suspenders until his pants reached his knees, and he was so nearly raised from the floor that he could only stand on tiptoe; but he made a very presentable appearance in a small mirror, which did not reveal the real condition of his lower parts.

This may be a severe criticism, but I believe that the Regents' examinations, both academic and higher, warrant the statement that, believing it would be *unwise* to stretch the masses toward a college course, it would be *unsafe* to put the common schools of the State into the hands of the Regents of the University.

TEACHERS' INSTITUTE.

Our teachers' institute was held at Jamaica, in May last, and was in every way a success. Every school in my district was closed except the one at Glen Cove, and the trustees of that school gave their teachers permission to attend. Professors Kennedy and Johannot were with us again, and did most excellent work.

The general objection to having the same conductors year after year is that they repeat their previous work (to which I see no objection, providing their methods are the *best*), but our experience goes to prove that with the same conductors we are not as likely to have a "rehash," as we are if we change every year; and a unanimous request would be made for the same conductors next year, were it not for a growing desire among our teachers to know more of the so-called "Quincy System," and to have for our conductor a teacher who thoroughly understands the details of it.

The success of *trustees' day* was very gratifying, but we shall look for a more general attendance next year, and we hope that you may be with us on that day.

Teachers' institutes are growing in favor, and are not opposed by any trustees who have investigated their workings. The same is true of public sentiment regarding

TEACHERS' ASSOCIATIONS.

A few oppose them, believing that they benefit the teacher only, but an examination shows that the teacher is only repaid for his extra expense by being enabled to do more and better work, *and none but earnest teachers desire to attend*. Our association last month was more largely attended than ever before, and an unusual amount of interest was manifested. Col. Francis Parker, of Boston (formerly superintendent of Quincy), was with us, and Mr. Slade, secretary of the Quincy board, delivered a lecture on "The Duties of School Boards." The lecture was written, and the association had 1,000 copies printed for distribution.

NORMAL SCHOOLS.

Normal schools are better appreciated than formerly, and graduates are in good demand. Some of them, of course, will never become good teachers; some spend more time with "drill" than with "development;" but, as a whole, they do very superior work, and their influence has raised the standard of lectures.

Normal schools undoubtedly ought to be maintained, and I renew the suggestion made a year ago, that one should be located on Long Island.

TRAINING.

Of the twenty members of the teachers' class "at Flushing" last winter, nearly all have secured situations. A few, however, are train-

ing in the primary school, the several departments of which are working with the "new system" under the direction of Mrs. Baldwin, who was trained at Quincy, and taught there for four years.

The experiment is proving very successful, and is attracting many visitors, primary teachers especially, who desire to see and examine, and to appropriate what they can, or what they think best to. While writing this report, I received a letter from a teacher asking my influence with her trustees to obtain permission to spend two days there; for, said she, "Although my school is small, I desire it to be a *good one*."

Teachers shut up year after year with their own work, naturally fall into ruts, or meet with obstacles which embarrass them, and would be materially benefited and encouraged by visiting other schools, and seeing the work of other teachers. I think they ought to be permitted (*or compelled*) to do so, and I would offer as an inducement that districts paying wages for time so spent (not exceeding five days in a year), and for associations and institutes, be reimbursed from the public money before it is apportioned.

PRIVATE SCHOOLS

for instruction in the *common branches* are generally a nuisance. They afford an inducement for parents and pupils to oppose the regulations and course of study of public schools, and often mislead public sentiment by offering an education which has the *appearance only* of soundness.

There are very few such in my district, but there are five first-class and well patronized boarding schools and academies. There is also a very successful kindergarten at College Point.

SCHOOL EXHIBIT.

Our school exhibit at the county fair was not as large as last year, and no premiums were paid by the society; but our three hundred specimens of school work were exhibited, and we expect to continue it, believing that it will be a benefit to the schools, and that they will be well represented when the best plan shall be agreed upon.

SCHOOL YEAR.

I would again suggest that to avoid confusion in reports, registers and teachers' contracts, the school year should begin the first of August or September.

THE TEXT-BOOK LAW

is generally ignored and ought to be repealed.

THE COMPULSORY EDUCATION ACT

is nowhere enforced. I hope that the committee appointed at the last State commissioners' and superintendents' association will succeed

in inducing the Legislature to establish a few "truant schools," and amend the act and provide for its enforcement. There are too many children attending the "street school" and being fitted for *wrecks* and *blots*. They should be taken care of, for their example and influence are extremely pernicious.

STATE CERTIFICATES.

Normal schools and academies furnish excellent opportunities for those who desire to qualify themselves for State certificates, but the managers of those institutions are unnecessarily jealous of any other authority in the matter, as shown by their action at Canandaigua, for the time will not soon come when all teachers can avail themselves of the advantages they offer; besides, there are hundreds of teachers now in schools who desire State certificates, and are willing to study to obtain them. And you would undoubtedly confer a favor upon such by issuing a syllabus of study to guide them in preparing for the examination.

COUNTY SUPERVISION.

I heartily indorse the view expressed by you in your last annual report, that "A candidate for school commissioner should be the holder of a State certificate, or be a graduate of a normal school or higher institution of learning, besides having had several years' successful experience in teaching." And I would add, that the experience should be just previous to the election, and that the candidate should have a thorough knowledge of modern methods, else the office might be filled by "wornout preachers" and others, who graduated and taught *years ago*. They would do more harm than persons who never taught, and can make no claim to a practical knowledge of teaching.

I see no good reason why the matter should not be removed entirely from politics, and the office filled by a competitive examination of persons possessing the above qualifications. At all events, it should be kept out of the hands of "professional politicians," or persons who, utterly unqualified to perform the duties of the office, desire it as a stepping stone to political preferment or to assist in eking out a subsistence from a poorly patronized profession.

Persons skilled in the various occupations are generally selected as foremen or overseers; and the time may yet come when teachers shall supervise teaching, and receive an adequate compensation for their services.

Finally, in regard to the *condition of public education*, generally, I will say, that while in many respects it is unsatisfactory and fails to receive proper recognition, yet with rapid strides it is moving to the front, where it must stand in every issue and against every opposition to safely guard the destiny of our nation. The necessity for an independent, intelligent exercise of the rights of citizenship is

pressing upon us as never before, but that necessity will be met and provided for by a proper education of the masses.

The cause of education has never before been regarded with as much interest as at the present time. In fact, an "educational revival" is sweeping through the land, and its influence is being felt from Maine to the Pacific.

Especial attention is being paid to methods of teaching, as well as to subjects taught; "rote teaching" and the mere memorizing of rules, definitions and words are being frowned down by all successful teachers, and the "*time servers*," who for the past ten years have stood in the *same tracks*, refusing to *read* or to *reason*, will soon find that they must "*move*" or "their occupation will be gone," and their places filled by persons who have learned that education is a science, and teaching a profession, requiring of the teacher constant care and the full force of his moral and mental energies.

When we observe the imperfections of our own work, and in the work of others, we are sometimes disheartened; but a retrospective glance at the improvements in public schools within the past twenty years, reassures us that we may expect greater things in the future.

The motives of trustees and other school officers and teachers are often misconstrued, and in many respects their positions are thankless ones; but while we would hold in lasting disgrace any who would accept so sacred a trust, and then neglect its duties or shrink from its responsibilities, we should give great praise and honor to those who first carefully and conscientiously endeavor to understand what their duties are, and then firmly move forward toward a full and faithful performance of the same.

Respectfully yours,

C. E. SURDAM,

School Commissioner.

PORT WASHINGTON, *November 15, 1880.*

QUEENS COUNTY—SECOND DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR. — I cheerfully comply with request, and respectfully submit the following report:

The second commissioner district of the county of Queens comprises the towns of Jamaica, Newtown and Hempstead, having 41 school districts, and a population of about 40,000; Long Island City is also in the second assembly district, but not under my immediate supervision. The following villages are included in the above mentioned towns, viz.: Jamaica, Queens, Woodhaven, Springfield, and Richmond Hill in the town of Jamaica; Laurel Hill, Newtown, Corona, Winfield, Woodside, Middle Village and East Williamsburgh in Newtown; Hempstead, Freeport, Baldwins,

Oceanville, Rockville Center, Pearsalls, Seaford, East Rockaway, Lawrence, Hewletts, Valley Stream, Smithville, and Rockaway in the town of Hempstead; all these villages are well supplied with good school-houses, except one, which will ere long be superseded by a larger and more modern school building, conveniently located on a more eligible site, suitable appointments and competent teachers; all the other rural districts have good school buildings, save merely one, for which a new and convenient school structure will be substituted because the question of the erection of a suitable one is being warmly canvassed in the district. Some have the modern improvements and appointments, and good teachers are engaged in all; in fact, four of the best educators in my commissioner district are employed in these agrestic schools; they are exemplary gentlemen of superior literary attainments, of long experience in didactics, and possess enviable professional tact, among whom is an ex-commissioner. New school-houses have been built in No. 3, Jamaica, and in No. 11, Newtown, this year.

I have, with much pleasure, visited 39 schools (or all under my immediate supervision), three times each. I found the schools generally in a prosperous condition, and was exceedingly delighted to hear the prompt and correct answers of the pupils to the numerous important questions on the various studies pursued, appropriately propounded by myself and their respective teachers, and was fully satisfied that the capable and indefatigable instructors were efficiently performing their commendable work.

I have licensed 62 teachers of various grades; thorough examinations, both written and oral, were had; licenses were granted to the respective candidates, according to the grade to which they were, in my humble judgment, justly or legally entitled.

I am not prepared to suggest any real improvements in the methods now pursued. I would respectfully suggest that the alteration of the boundaries of school districts, and the settlement of local difficulties arising in school districts out of school affairs, be made by the Superintendent of Public Instruction, because I am fully convinced that it would give much better satisfaction if effected by the highest educational functionary of the State, and would thus certainly relieve the local officials from the performance of a most unenviable incumbent duty, and obviate deprecable, bitter feeling which might otherwise be entailed in certain localities. I think unremunerated district officials should be required to report, as heretofore, *only the number* of children of school age residing in the district, and not be subjected to the extra trouble of writing the names and ages, in many instances, of 400 or 500, and even in one case, to my knowledge, of over 1,000 children merely to comply with law. I am cognizant of the fact that I reflect the sentiments of many district officials throughout the Empire State, when I say the office of trustee was uncovetable and thankless enough before, without their now being required to unnecessarily devote

their toil and valuable time in performing an additional, extra, onerous duty without adequate compensation therefor.

I am most happy to be fully enabled to favorably report that the public schools under my charge have been materially ameliorated, aye, the standard of them comparatively highly elevated since my last written report to the Department; and I can conscientiously assert that they are generally in a very satisfactory condition. The intelligent, public spirited friends of education, have evinced a lively interest in the cause and have demanded able teachers, suitable school-houses and desirable appointments for the schools in their respective districts, and the condition of public education is actually being very desirably advanced.

Having been repeatedly petitioned, or rather persistently importuned, by the residents of the village of Charlottetown to detach said village from district No. 8, and annex it to No. 10, Woodside, Newtown, I accordingly, for cogent reasons, and strictly in conformity to law, annexed the said village of Charlottetown to No. 10, Woodside, in April last, with the full and hearty concurrence of the supervisor and town clerk of the town of Newtown.

The teachers' institute held at Jamaica last May, and so intelligently and deftly conducted by those popular Professors, Kennedy and Johonnot, was the largest and most profitable ever held in the county. All the schools in my district were closed, and the earnest, worthy teachers promptly availed themselves of the favorable opportunity then presented for professional improvement, and very commendably and exemplarily manifested a very deep interest in the profitable exercises so ably conducted pending the daily sessions during the institute week, and it has subsequently had, as I anticipated, a desirably beneficial effect. Intelligent, appreciative people are strongly in favor of holding institutes in the county.

Normal schools are very favorably regarded, and normal graduates are usually preferred by experienced trustees in their selection of teachers. I am under the impression that some, if not all, of the normal schools, "are accomplishing the work designed by the Legislature when they were established."

In No. 6, Newtown, a private Catholic school, with an attendance of 60 pupils, is established, in which the English branches are being properly taught. In No. 4, village of Jamaica, is a Catholic school, with an attendance of 225, in which all the English branches are carefully taught by the Sisters of Charity, in connection with the religious instruction; also, in No. 4, village of Jamaica, is Miss A. P. Townsend's Union Hall Female Seminary, with an attendance of 56, in which all the higher English branches and classics are being successfully pursued by the young ladies.

Professor Emil Vienot's private academy, having 26 in attendance, has been in successful operation for some years past in this village, in which youths are efficiently instructed in all the higher English branches and classics. Miss Waters, also, has a private

school of 29 pupils, in this village, in which the common English studies are thoroughly imparted to the young of both sexes.

For complete financial and statistical information, please consult those special reports.

In conclusion, I desire to state particularly that I ardently advocate the continuance of the office of Superintendent of Public Instruction, and am strenuously opposed to any "unification act;" and I am also well satisfied with the continued popular administration of the present highly intelligent, indefatigable and eminently efficient incumbent, and gratefully tender my most cordial acknowledgments to the Department for all favors hitherto received.

Yours very truly and fraternally,

ISAAC G. FOSDICK,

School Commissioner.

JAMAICA, *November 6, 1880.*

QUEENS COUNTY — LONG ISLAND CITY.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR. — In addition to the annual statistical and financial reports already forwarded, I have the honor to submit the following :

The public schools of our city include five grammar schools, in each of which there is a primary department and two primary schools. In these, the average monthly enrollment for the year was 2,500, and the average attendance 2,271 ; the number of teachers constantly employed was 50.

We show only a slight increase in our average attendance over that of last year. A regulation of our board, in force during a part of the year, requiring the attendance on the part of the pupils of at least half of a school session, that such attendance may be counted, has considerably lessened our apparent increase.

Mixed classes, and mixed classes only, are to be found in all our schools. Co-education we believe is the natural order, and is here attended with happy results.

Our school accommodations are quite equal to the average ; we are not, however, without overcrowded and poorly ventilated rooms.

Of the buildings used for school purposes, two only are owned by the city ; two of the leased buildings were erected for school use, and are well suited to this end. The remaining three have been *adapted* from private residences. It is hardly necessary to add that they are *not* model school-houses.

No important changes in text-books have been made for several years. One series, and but one, in any given study, except reading, is upon our list ; of reading books, we have three series.

In respect to scholarship, our schools take good rank. Of this, we have abundant evidence in the excellent character of the work submitted to us at the semi-annual examinations of candidates for positions as teachers, and at the annual examination of graduates; the comparatively excellent results obtained at the examination of classes for promotion, as shown by the principals' reports, are further proofs of the superior quality of our school work.

Drawing is yet an experiment with us, though provided for upon both our primary and grammar school courses. Progress in this branch has been unsatisfactory, as but few of our teachers are qualified to give instruction in the art, and the board of education has not had at its disposal the funds that would warrant them in increasing the expenses of the department by the employment of the special teachers.

Our school course is still incomplete, lacking as it does a high school. Two of our grammar schools have supplementary classes, covering a course of two years. It is hoped that this supplementary work is but the germ, of which later, the high school will be the product.

Corporal punishment, as a means of discipline, is permitted, and frequently, too frequently I believe, enforced. The humanity that saves from the abusive lash, the jaded, dumb and misunderstood horse, is neither over nice nor exacting, when it forbids the infliction of the stinging rod and its deeply stinging disgrace upon the child.

The annual appropriations for school purposes are more than sufficient to meet the current expenses of the department, but failure to collect these appropriations has greatly embarrassed us and at times caused no little hardship among our teachers whose salaries frequently remained unpaid for several months after they have become due. If the tax levied for school purposes in this city were a separate item upon our tax books, so that the city treasurer could collect and receipt for such tax, independent of all other taxes, all occasion of our present embarrassment would be removed.

The school laws of this city provide for a board of education and also for boards of school trustees in the several wards.

With equal efficiency, and with less confusion our educational interests could be managed by a single board of officials. The election of a lady to the office of school trustee marks a new departure in the management of our school affairs. While it is true that the lady official will have no very close connection with school management, owing to the limited authority conferred upon school trustees by our city charter, still the drift of public opinion has been already shown in the handsome majority by which Mrs. Newton was elected.

During my long connection with these public schools, I have known of no former instance in which a once practical and successful teacher has been so much as named for the office of school trustee, and with rare exception, has one ever been appointed to the board of education.

In 1871, our population exceeded somewhat 12,000. Our average attendance was then but 1,109. By the census of 1880, we have a population of 17,117; our average attendance for the year just ended was 2,271. The per cent. of increase in population has been 42; the per cent. of increase in average attendance 105. This comparative increase is, I believe, the just measure of the growing favor in which our schools are held by an appreciative public.

Respectfully submitted,

ALANSON PALMER,
Superintendent.

LONG ISLAND CITY, Jan. 17, 1881.

RENSSELAER COUNTY — FIRST DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR. — In compliance with your circular dated July 20, I herewith submit the following special report:

I have made, during the past school year, 179 visits, spending as near a half day in each school as possible; beside these I have made at least 100 calls of a few minutes each, dropping in unexpectedly, and hearing at least one recitation.

The impressions I have received are as follows:

While many of the teachers are doing excellent work, following the later methods of school duties and manifesting much zeal and earnestness, a large class are still holding to the old routine of school keeping, simply hearing recitations, and their only criterion of a good lesson is its approximate nearness to words of the text-book. Many of this last class are young and inexperienced; their knowledge of teaching is what they have gathered from similar teaching. They teach as they were taught. With this class, however, I see great improvement over last year.

By persuading and insisting, I have induced a large number to attend institutes, to take some school journal, to read and study some standard work on school methods, and to attend examination; and they are beginning to discover that something more rational is necessary, and are striving to do better.

Some keep on in the same old humdrum way, regardless of advice or direction. Of this last class, many are the old and should be experienced teachers; but they became satisfied with themselves, and are now left away in the background, stranded on the rocks of antiquated ideas. I am making an earnest effort to get rid of this kind of *school keepers*.

Our schools, quite generally, are not so well attended as they should be. A general apathy has been apparent throughout the whole county.

But little attention has been given, by the public, to the wants and needs of our schools. Scholars have attended regularly, provided the teacher had sufficient attractive power to call them together; otherwise they have done as they pleased. Go when they felt inclined, remaining away if they felt disposed. Visits by the patrons were the exceptions, remaining away the rule. In nearly half the school districts, last year, my name was the only one appearing on the register.

The usual results in such cases followed. Apathy on the part of the inhabitants was met by apathy on the part of the teacher. Scholars became indifferent, and a general stagnation of educational matters ensued.

But a revival is taking place; visitors are dropping into the school-houses; teachers are shaking off their lethargy; scholars are beginning to brighten up, and I have hopes that, after the meetings we propose to hold in the several towns, an emphatic educational interest will be awakened that will mark a new era in this county.

Many of our school-houses are not what they should be. An old rookery with seats around the walls, with scarcely any blackboard, is not conducive to good schools. This has been and is yet our condition in many instances. But in this we can show, during the past year, a decided advancement. Six new buildings have been erected during the summer; one in Lausingburgh at a cost of \$7,000, and one at Hoosick Falls at a similar cost, the others in the rural districts; in all, over \$20,000 has been expended in school-houses and sites. It has taken much persuasion to bring these things about, but each success has been an encouragement to proceed with the next, and we think this is a fair showing.

Two more new buildings are in process of erection. In all cases of new school-houses, modern seats have been placed therein, with plenty of blackboard space. In all places, I have urged, as a prime necessity, good seating, good lighting, good ventilation and plenty of blackboards, and in these I am happy to say my wishes have been fully sustained. Much in the way of new buildings remains to be done. Many of our school districts are weak and poor, and we are compelled to proceed carefully and slowly.

These are a few of the impressions I have received in making my rounds of visits. A remedy for all the ills, I am certain, can only be found when a general interest in our schools is aroused. This interest will encourage teachers, fill up the school rooms, and improve our school-houses.

Our institutes, of which three have been held since my term of office began, are popular with all, teachers and the general public. I may except a few would-be economic trustees who object to paying teachers their wages while thus absent. I am happy to say this class is small, but sufficient in numbers to obstruct educational progress. That institutes are accomplishing a good work is well known to all who know any thing of them. This is shown in the better

methods of teaching, in the greater energy of the teacher, and from this, of course, an increased attendance of pupils, in those schools where teachers are in the habit of regularly attending the sessions of the institutes. In my judgment, they are doing a great amount of good and accomplishing fully as much toward advancing and training our teachers as are the normal schools. Some law compelling all teachers to attend them would be a movement in the right direction.

A "county institute" lasting, say ten weeks, where subjects could be taken up in detail and fully illustrated, would be productive of much good to our schools. An experiment of a spring institute was tried in this county, and attended with great success. Two hundred teachers were in attendance, and close attention maintained throughout the whole week. With your permission we shall repeat the experiment next spring.

Of the summer institute, Mr. Morey will report, as it was held in his district. The past year a county teachers' association has been formed. At the first meeting, held at Hart's Falls, last May, much interest was manifested, and over a hundred teachers in attendance. I am anticipating much assistance from this source toward the general improvement of our schools.

In this district we have a small percentage of normal graduates. Some of them are doing excellent work. They are live, ambitious, thorough teachers, but I regret to say this is not universal. As poor teaching as can be found anywhere has been done in this district by normal graduates. Armed with a diploma, they bid defiance to criticism, and think and act as if they had nothing more to learn in the art and science of school teaching. They neglect to attend our institutes and our association meetings, and publicly say they can learn nothing new. They claim to teach after the methods of the "model school." If they do, the sooner *that* "model school" is abolished the better it will be for the rising generation.

My opinion is, our normal schools fail in accomplishing full results for the following reasons:

I. The two years' course is too short; the course of study too narrow and fragmentary to make thorough, broad minded teachers.

II. Students are admitted at too early age; and,

III. The preliminary examination is too low in grade.

In this commissioner district our best scholars are not applicants for normal school appointments. The applications, so far, generally come from the class that are only mediocre in their studies—the mechanical scholars. Admitted at the age of 16, they graduate at 18, and shielded with their diploma, which to many is merely a plundering license, they go forth to *keep* and slaughter schools.

As your circular calls for suggestions, I would respectfully recommend the following change in our normal schools:

I. Have the preliminary examination raised to a higher grade.

II. Have the age for admission increased at least one year.

III. Extend the course of study one year.

IV. Give limited diplomas for three or five years, and let the renewal depend on the success which the holder has had in teaching; the applicant for renewal to furnish the evidence. I mean by this to say nothing against normal schools, as such.

We need training schools for teachers as much or more than we need hospitals and dissecting rooms for the medical profession.

Teaching, to accomplish all that is needed, must become a profession; then the infusing of new blood and new life yearly, from our training schools, will keep the teaching at a proper standing.

The reports from trustees, on the number of volumes in libraries, are undoubtedly erroneous. In most districts, no one knows where the library, if any, can be found. In my opinion, the library money, which, in nearly all cases, is used for teachers' wages, should be used for purchasing apparatus, in which most districts are deficient.

I make no report on compulsory education. Very few trustees gave any statistics, and the law may as well be blotted from the statutes. Some measures should be devised to compel a more general attendance of pupils, but what those measures should be, I am not prepared to say.

I have licensed, during the past school year, as follows :

First grade renewed	8	
First grade given.....	3	
Total		11
Second grade renewed.....	18	
Second grade given.....	10	
Reduced from first to second ...	15	
Total		43
Third grade renewed.....	12	
Third grade given	23	
Reduced from first to third	2	
Reduced from second to third.....	21	
Total		58
Applicants rejected		27

A large percentage of third grade given was to those whose qualifications were good, but they were lacking in experience.

I might say something of the difficulties I have had with trustees' reports, but, as I find these difficulties universal, I will only say this: a circular sent to each trustee, yearly, from the State Department, in September, might induce trustees to have their reports approach somewhat in the neighborhood of correctness.

The district system is a relic of past days. It has outlived its usefulness, and ought to be revered only for its antiquity; but, while we revere, I see no necessity for still using.

The office of trustee generally goes begging, unless some person has a favorite to place in the school as teacher; then a little whispering and wire pulling completes the job. The person is elected, the favorite installed. One district in a town has \$3,000 assessable property, an adjoining district has \$100,000. These things alone show the absurdity of school district lines. With the township system, we could get a live board of education. A live board would make live schools, and the cumbersome machinery of school district officers would disappear.

Thanking the Department for many favors,

I remain, your obedient servant,

EDWARD WAIT,

School Commissioner.

LANSINGBURGH, *December 15, 1880.*

RENSSELAER COUNTY—SECOND DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In obedience to your request, I have the honor to submit this, my first special report.

The second commissioner district consists of the southern nine towns of the county. By special act of May 14, a change was made in the commissioner districts of the county; the town of Brunswick being transferred from the second to the first, and the town of Berlin from the first to the second commissioner district, to correspond with the present assembly districts.

The following summary is for the districts as at present constituted:

The number of school districts is 92; academies, 3; private schools, 13; number of school-houses, 90; number of children of school age, 9,756; number enrolled on register, 5,949; average attendance, 3,033. There were 118 teachers teaching for 28 weeks or more at the same time; 146 different teachers have taught in the district within the past year; of these, 46 were males; six taught under old State certificates, one under a State certificate earned by examination, 20 under normal school diplomas, 30 under certificates from my predecessors (partly caused by the transfer of towns above referred to), the remaining 89 were licensed by me within this and the past year. Of these, 9 were novitiates, the rest had previously taught. We have used written examinations as a test of scholarships, oral examinations as a test of adaptability.

In addition to the 20 normal graduates, we have about 40 undergraduates teaching, mainly from the Albany school. These are not all good teachers, but I think they have generally received much benefit from the normal drill.

The whole time of the commissioner, save the month of the summer vacation, has been spent in school work. The number of school

visits made was 206. They were generally half-day visits. The work has been in examinations of classes, of methods of teaching, manner of conducting schools, condition of school buildings, etc. As far as practicable, the visits have been in connection with the trustees of the school district. These visits have given rise to advice, counsel and suggestions to teachers, scholars and trustees.

So far as the province of supervision was concerned, I found the schools in excellent condition; thanks to the labor and efficiency of my predecessor G. W. Hidley, who for nine years so acceptably filled the position. It was both fortune and misfortune to follow one so highly esteemed.

The usual examinations for teachers have been held, public and private, certificates granted and certificates denied.

We have endeavored to keep the standard at as high a grade as the following facts would warrant: Twenty per cent. of the school districts of the nine towns have an assessed valuation of \$10,000, or less, some as low as \$3,000; thirty per cent. have a valuation of \$20,000, or less; ten per cent. have an average attendance of ten or less, and sixty per cent. have an average attendance of twenty or less. Wages in these districts necessarily range low. These figures tend to convince me, that our common school district is a territorial unit too small for the best development of the school system. I desire to express my preference for the local option township system, and for the plan (as likely to meet with the least opposition) which retains the present district lines for the purpose of electing sole trustees, they to elect the town board of education. Two years ago I should have favored the district system; I am convinced now that the township system is the next station in the march of improvement. The office of trustee is as well administered as an office can be, that takes some time, has no emoluments, confers little honor, reaps often a reward of fault, filled often by those who have no interest in the schools, and is sought by no one save for the purpose of pensioning some friend on the bounty of the State school fund. I hold this truth to be self-evident, that he who hires skilled labor should himself be skilled to judge of its merits and demerits. This skill the average trustee has not nor can he be expected to have.

We have ever endeavored to keep in hearty sympathy with the teachers, who, with a few exceptions, are doing earnest and conscientious work. Their service cannot be valued or measured. One teacher, Miss Mary Dearstyne, of the union free school of Bath, was called hence by death.

Women voted under the act of 1880 in many of the districts, in some, endeavoring to elect ladies to the office of trustee. A hope is largely entertained, in which we join, that the incoming Legislature will so amend the law that its original intentions can be carried out, viz.: That every woman of the age of twenty-one, a resident of the district, shall be entitled to vote at district school meetings.

The summer session of our institute was held at Wynantskill on

the invitation of Rev. C. P. Evans. It was well attended by the teachers of the county, and well conducted by Professors Lantry and Kennedy. The former, though with us for the third time, kept the interest fresh and unflagging; the latter proved himself a close and concise reasoner and teacher. Teaching how to teach was the main line of the professors' work. We introduced "trustees' day" in this institute, with excellent results. The State of New York spends some money on teachers' classes, more on normal schools, some on teachers' institutes. On no money spent in school work, does the State receive so large a return for every one hundred cents expended, as on that spent for teachers' institutes.

Aside from the benefit to schools, our institutes have had a strong tendency to awaken a general public interest in education. With the institute of last March, we issued a call for the organization of a county teachers' association. It was duly organized with principal E. A. Corbin as president, has had four meetings during the year, and in instructing, stimulating, cementing, it has been a strong force.

The private schools of the district have been generally visited. They are, as an average, on an equality with our common district schools in method and manner; many of them being taught by those who have previously taught in district schools.

Three new school-houses have been built, others repaired. There has been much improvement, and yet there is great deficiency.

We cannot name any improvement, under the present system, in the distribution of public money, or adjustment of district boundaries. We should suggest a change in length of legal school year—which should be advanced to thirty weeks, in districts having \$20,000 valuation or less, and to thirty-four weeks in all other districts.

If uniformity of standard in teachers' examinations were practicable, it would be a great advance; but I see many objections to it.

It would not be seemly to close this report without acknowledging the hearty concurrence and assistance of Supt. Beattie, of Troy, in all our institutes and associations.

My associate, Mr. Wait, has obligingly favored me with his advice and assistance.

The Department has my sincere thanks for its many courtesies. Thanking the citizens of this district for their cheer and hospitality, the teachers for their kindness and co-operation, sincerely wishing for the success of all the children in our schools, and of all educational enterprises,

I am, respectfully yours,
GARDNER MOREY,
School Commissioner.

NASSAU, December 30, 1880.

RICHMOND COUNTY.

HON. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—I respectfully submit my second annual report.

The average attendance of scholars was increased, during the year, and six additional teachers have been appointed.

About 650 volumes, costing about \$575, have been added to the district libraries.

The reported increase of "assessed valuation of taxable property" in the county amounts to \$306,442.

There are still a few schools in which the sexes are taught in separate departments, with what advantage I am unable to state.

There have been but few changes in our corps of teachers, the iniquitous system of rotation of teachers, regardless of merit, happily being observed more in the breach here than in some other sections.

One principal has taught in the same school upwards of thirty-five years, while several others have taught for periods ranging from fourteen to twenty-seven years; and by reference to the statistics it will be seen that the "average number of terms taught by teachers" in this county is greater than elsewhere in the State, while there are but two counties in which the average attendance of teachers at the "institute" exceeds this. Facts at least deserving mention.

Four of the districts do not own their sites. In one of these districts the building hired for school use has been somewhat improved by the construction of an additional stairway, but the rooms are overcrowded and poorly ventilated, a portion of the furniture dilapidated and uncomfortable. There is no playground for the scholars, while the building itself is badly located and ill adapted for school purposes.

A fine and capacious new school-house has been erected in district No. 2, of Southfield, and was formally opened March 8th last, on which occasion there were present Rev. Dr. James Brownlee, Hon. Erastus Brooks, several boards of school trustees, and a number of teachers and inhabitants of the district. Letters of regret for non-attendance were received from Hon. Geo. Wm. Curtis and others. The building is well constructed, well lighted and ventilated, newly furnished throughout, and will afford ample and comfortable accommodation for the pupils. It is an ornament to the neighborhood, and in strange but cheerful contrast to the wretched overcrowded place formerly used as a school-house.

In district No. 3, of Southfield, a plot of ground is about to be purchased, and the school-house is to be removed thereto and enlarged.

In district No. 2, of Northfield, nearly an acre of ground has been added to the school site, and in district No. 3, of the same town, upon land generously donated by the American Linoleum Co., a handsome, well ventilated brick building has been erected, and when furnished

will be occupied. The accommodations in this district heretofore very meager will now be, through the liberality of its inhabitants, fully equal to the demands, and it is believed that the school-house for its size and reasonable cost will compare favorably with the best in the State.

An additional school room is being completed in district No. 6, of Northfield, and another teacher is to be appointed.

The average attendance of pupils in district No. 1, of Castleton, has increased, and the propriety of enlarging the school-house is being considered.

Fences have been erected around two of the school-houses, leaving but eleven of the twenty-eight districts in the county to be improved in that manner.

The subjects of drainage and ventilation are receiving attention, the latter having been heretofore, in too many instances, subordinated to architectural design and an attempt at beauty.

A liberal spirit is being manifested generally, and in some of the districts the teachers' wages have been increased. While it cannot be said that our school system is entirely free from defects, it may be fairly stated that, upon the whole, the scholars are making reasonable progress, and it is hoped that the results obtained are somewhat satisfactory to the people.

In some of the schools the scope of instruction has been enlarged with marked benefit, and in two instances, under competent teachers, the "Quincy method" has been introduced with gratifying results. After two years' practical observation of this "method," the writer is of opinion that it possesses peculiar merits.

As many of the scholars of our public schools discontinue attendance several years before the age of twenty-one, to engage in other pursuits, it would seem to be proper that the system of instruction should be graded not exclusively to fit them for the high schools, but to meet the wants of the mass of pupils, so that, at whatever age one is forced to leave school, he may at that time possess the best possible preparation for the active duties of life, and the intelligent exercise of the rights of citizenship consistent with his stage of advancement.

To accomplish this, a knowledge of the principal facts in the history and constitution of the United States, and of the State in which the scholar resides, would be of greater advantage to him than the ability to "work out at sight" a problem in algebra that might not be called into practical use after school days were past.

If time and opportunity permitted, great benefit could be found in the study of physiology and hygiene, sufficient for the preservation of health so essentially necessary to success in life, and which studies are now the exception, not the rule. These views, advanced by the New York State teachers' association at its last meeting, are worthy of consideration.

The character and method of instruction imparted in its common schools largely determine the destiny of the nation.

Our teachers' institute was held as usual in school-house No. 2, of Middletown, commencing May 3d and continuing five days. The conductors, Profs. John Kennedy and James Johonnot, fully sustained their enviable reputation, while the presence of Rev. Dr. Brownlee, and on the fourth day, of the State Superintendent, Hon. Neil Gilmour, who delivered an acceptable address, were pleasant features of the session, as was the attendance of school trustees and citizens generally. That these institutes are of great practical value there seems to be no doubt.

Miss Charlotte A. Dowd, who had taught acceptably for several years past in school No. 3, of Castleton, died in October. Fatal premonitions, which alarmed her friends, did not deter her from a continuance of the duties she loved so well, until a few weeks before her death. She passed away mourned by a large circle of friends, who may find some consolation in a retrospect of her faithful labors worthy of emulation.

In reply to your circular, the following suggestions are respectfully offered for your consideration, viz.:

First. That the annual reports of school trustees to the commissioner be transmitted to that officer direct, instead of filing them at indefinite periods with the town clerk, who has no possible use for them; and if, as occurred here recently, a clerk be absent for a length of time, a hurtful delay is the result.

Second. That it be made the duty of the clerk of the school district, or of the trustees, to report to the commissioner within ten days after a school election or appointment, the names and addresses of the persons elected or appointed, so that the commissioner may have official knowledge, at present not readily obtained.

Third. That the annual school election be held on the last Tuesday in June.

Fourth. That the school year commence at the close of vacation, September 1st, instead of October 1st, as at present.

One reason among many, for the last two suggestions, is that the officers if elected in June would have until September to familiarize themselves with the requirements of the district and the not very clear provisions of some of our school laws, and would enter upon duty at that time quite as fully prepared as at present where the election occurs one day and the duties of office on the next. More time would be given for the decision of cases of contested election, and other matters involving the action of the State Department, and at the commencement of the school year the precise status of each school officer would be ascertained.

Fifth. That a law be passed to prevent the overcrowding of school-houses, and defining the number of cubic feet of air allotted to each scholar.

The public press of the county has generously published the proceedings of the institute, notices of meetings and items of school interest generally, without fee, for which our acknowledgments are due.

To the trustees and teachers, with all of whom the most pleasant relations have continued to exist during the year, my sincere thanks are tendered for courtesies received, as well as to your Department for information upon various matters.

I am, sir, your obedient servant,

C. HENRY KING, M. D.,

School Commissioner.

STAPLETON, *November* 15, 1880.

ROCKLAND COUNTY.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—I have the pleasure, at the close of my second year of service as school commissioner of Rockland county, to submit the following annual report, and to make favorable mention of the educational affairs in my district.

A large proportion of my time has been devoted to preparing reports, holding institutes, attending teachers' associations, visiting schools and examining candidates for teaching.

During the past year, an order was issued for the alteration of districts No. 6 and No. 14, in the town of Ramapo. A portion of district No. 6 was added to district No. 14.

Four new school buildings have been erected — *one* in district No. 3, in the town of Stony Point; *one* in district No. 5, in the town of Clarkstown, and *one each* in districts No. 1 and No. 3, in the town of Ramapo — each district now having a commodious and comfortable building. Near the close of the year an order was made, and a *new district* (known as No. 15) was formed from the western part of district No. 3, in the town of Ramapo.

The teachers' institute was held at Suffern for *one* week, commencing May 10th, and was the largest ever held in the county. It was conducted by Professor James Johonnot, assisted by Professor Francis P. Lantry, *two* of the ablest conductors ever appointed for the county. The attendance was large, numbering seventy-five teachers — thirty-eight male and thirty-seven female (over eighty-two per cent. of the number employed in the county). The interest manifested by many in the good work was very gratifying. It was really nothing short of a grand success.

During the year, *four* applicants were sent to the normal school at Albany, *one* to Oswego, and *one* received an appointment to Cornell University, Ithaca. *Two* examinations have been held — *one* in June and *one* in December. *Sixty* applicants for teachers' certificates presented themselves; *thirteen* received the first grade, *nine* the second, and thirty-eight the primary and third grade.

My method has been to give about *ten* practical questions in each branch of study, allowing *ten* credits for each question. Then if the average per cent. of all the slips will run between seventy and eighty, I grant a third grade certificate; if the per cent. will run up between eighty and ninety, a second grade; and between ninety and 100, a first grade.

Twenty-six of the teachers employed in the county are normal graduates; *seven* hold State certificates, and the remainder have been licensed by the commissioner. I have made *ninety-two* visits, during the year, and examined over 200 classes of various grades in different branches.

With few exceptions, we have an energetic and faithful corps of professional teachers, who are working zealously for the advancement of their pupils and endeavoring to impress on their minds the necessity of being thorough in all the rudiments, and thus be prepared, after leaving our *public free* schools, to encounter the struggles of life and rise to be the leading *men* and *women* of our country.

A large proportion of the scholars in this county are permitted to remain at school only long enough to receive a partial training in the rudiments of education. Their time and attention are diverted from the few necessary branches that should be *taught thoroughly*, and they are allowed to go out in the world with this *crude mixture* of knowledge *instead* of a *thorough training in the elementary branches*. Our system of instruction (especially in our country districts) should be simplified, the number of school books and variety of studies should be reduced to the lowest number possible, and *those thoroughly mastered* by the pupils.

Much confusion, I think, could be avoided in making reports, keeping registers, and making engagements with teachers, if our school year could begin September first instead of October first.

A thought or two more in regard to our district libraries. The interest in *them* is waning every year. The necessity that brought them into existence and had them placed in our public schools some twenty-five or thirty years since is almost entirely removed. *Public and Sabbath school libraries*, and other wholesome books, can now be readily obtained, and are accessible in almost every village and district in our county.

I would suggest that all moneys appropriated for libraries be expended for globes, maps, books when needed, dictionaries (medium size), and whatever apparatus the districts may require for school purposes.

With thanks to the Department for favors received,

I am, respectfully yours,
WM. VAN WAGENEN,
School Commissioner.

RAMAPO, December 10, 1880.

ST. LAWRENCE COUNTY — FIRST DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—At your direction, I would respectfully add to my annual abstract, already sent, the following :

I am still more in favor of the so-called *township system* of school trustees. I will urge but one consideration to those noticed last year. One of the greatest drawbacks to school success is the frequent exchange of teachers. This arises mainly from the fact that, ordinarily, a new trustee is elected *every year*. The result is, very frequently, he has a "sister, a cousin or an aunt," whom he wishes to favor. Indeed, he is generally elected on the consideration that he will employ a *certain* teacher. It generally results in sending adrift the old teacher, no matter how efficient and successful she may have been. A new teacher is installed, with new notions, new modes of instruction and a new mode of government, or no government at all. The pupils become dissatisfied and lose their zeal, and the school and school room are distasteful, while that term of school becomes a failure. The new teacher is undoing what the other teacher has done well. Retain a teacher as long as she is making the school a *success*. Do not exchange a *certainty* for an *uncertainty*. The anti "*third term*" theory should not obtain in the employment of teachers. Never "change for the sake of a change." The fact is not to be disguised, however, that some who teach, or attempt to teach, ought never to undertake the *second* term. But I am happy to state, many trustees and parents are fast coming to the conclusion that simple knowledge of books can never make a successful teacher. Ten times as many trustees *now* than formerly apply to me for teachers who have *earned* and made a good record, even if they are obliged to pay a dollar or more per week.

Since my last year's report, one new single school-house has been erected. Several old buildings have been largely improved and re-seated with modern seats. Two graded or double school buildings have been so extensively remodeled that they are about as good as new. Since my last report, the number of teachers taking educational journals has increased to about eighty, but I shall not be satisfied until every teacher takes an educational paper. The trustee should pay the live teacher enough so she can post up by all reasonable means, while the same trustee will get back the small extra paid, four-fold.

Although my communication is already somewhat extended, I wish, before closing, to make one suggestion more: We need a *normal teachers' institute*, or *practical drill*, in each commissioner district, once a year, of at least *four* weeks. Let me explain, before being accused of extravagance. We have, on an average, eight normal graduates teaching in each commissioner district in the State. There are, on an average, 100 teachers who should attend these drills in each commissioner district. Three of the most efficient

normal graduates together with district commissioner could form a faculty of four who *ought* to be well qualified to come up fully to the demands of such an institute. Some will be ready to question the ability of such a faculty.

In reply, I will say, if our normal schools, eight in number, have not produced teachers enough, well fitted for such a position, they have signally failed of their mission, and they should be immediately abandoned. Further, if the commissioners are not fully competent to assist in the drill, let them step down and out, for no man is *fit* for an efficient commissioner unless he is an experienced and practical teacher, and has a record of the best success in that capacity. Let such a drill be faithfully carried out, and there would be uniformity throughout the State. The practical and immediate influence of normal teaching would be felt in the most remote and rural districts, whereas, now about four localities only, throughout a dozen townships, have any immediate benefit. Normal teachers should feel under obligation to do this work at a compensation of ten or twelve dollars per week, for four weeks; after having received so much aid from the State, they could then obtain as good a position as possible. Having shown their abilities they could be ready to fill any demand their success and record would have produced. The good teacher will always *make* himself a *necessity* to enlighten school districts. The services of the commissioner, in such drills, would require no extra charge.

The teachers should be made to attend such institutes, or forfeit a license (extraordinaries excepted). Then trustees would be obliged to employ practical and thoroughly drilled teachers, and the teachers on the other hand would be enough better paid to meet the previous expenses incurred. Indeed there would be both an *intellectual* and *pecuniary gain*.

All the varied duties required of the commissioner I have endeavored to faithfully perform. You will see by my abstract sent forward, that the trustees have given me credit for 257 school visits. I have endeavored to spend a day faithfully between two schools.

Ever grateful to the Department for friendly co-operation, to patrons for their hospitality and kindness, and to teachers for their uniform courtesy,

I am, very respectfully,
E. S. BARNES,
School Commissioner.

GOUVERNEUR, December 4, 1880.

ST. LAWRENCE COUNTY — SECOND DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In compliance with your directions, I submit the following report of the schools in this district for the year 1879 and 1880.

I made 245 official visits to schools, averaging about two hours each. I have conducted teachers' examinations of 452 applicants, and given 6 first grade licenses, 73 second, and 163 third grade. There are 173 districts, of which 9 have graded schools; one employing 9 teachers; two, 4 teachers; two, 3 teachers; and four, 2 teachers each; thus making 195 public schools. There are 9,206 pupils of school age residing in the district. The average daily attendance is 3,935; \$20,407.34 of public money were apportioned, of which \$278.78 were library money, all used for school purposes; \$10,909.85 were raised by taxation. Seven of the twelve towns of this district have local funds, the interest on which, that is apportioned among the various school districts, amounts to about \$1,825.

Two school-houses have been built, and three have undergone thorough repairs. At South Collen a school-house, for a graded school with two departments, will be built next summer; and preparations are making for building three others during the year.

My mode of conducting teachers' examinations is to devote the forenoon to written work on arithmetic, grammar, writing and spelling; and the afternoon to oral examinations on language, reading, history, civil government, geography and methods of teaching.

It was customary for my predecessors to license young persons 16 years of age, and in some instances even at 15; but two years ago I adopted the custom of rejecting all under 17 years of age, except in extreme and very rare cases. This plan I have adhered to with seemingly good results. I also insist on a greater per cent. of correct answers in examination, before licensing, than in former years; and when I find a teacher that is indifferent, or not adapted to the work, I withhold license altogether.

In my opinion, this question of licensing teachers deserves more attention than it has received in the past. To-day the standard of qualifications that a candidate must reach before being licensed, depends entirely upon the whim or peculiar views of the school commissioner, and oftentimes it shockingly varies in different commissioner districts of the same county. If a man happens to be elected who is slack, or who entertains erroneous views, the prosperity of the schools of that locality must necessarily decline. In my opinion, no license should be granted, until an examination prepared by the State has been passed. If a law making such provision cannot be enacted, I can see no possible objection that can be raised to the following:

No person shall receive other than a third grade license for six months, until he has successfully passed an examination prepared by the Department of Public Instruction, and the school commissioner for that district has given his approval, stating that, in his opinion, the applicant possesses that necessary adaptation and devotion to the work which entitle him to a better grade. And that no person shall be allowed to teach under a third grade license for more than one year.

It is an unfortunate fact that many students are ever so zealous workers until they have successfully passed a teachers' examination and obtained a license. There their ambition ceases. They have reached the goal of their aspiration. They are teachers. No person that is not devoted to the work, and does not each day make the necessary preparation of the lessons to be taught, is fit to teach school. He who imparts stale information does poor work. Whatever is taught should come from a fresh perusal of the subjects considered. No person that makes this preparation can fail to grow rapidly in scholarship; and if, after one year of this faithful preparation, he has failed to acquire that fund of information that will enable him to successfully pass a State examination for a second grade license, he is too stupid for a teacher. While the plan above suggested may have many faults, in my opinion, it is far better than the present system.

While I can report improvement in the schools, progress is slowly made.

The fact that, fully one-third of those who are teachers one year pass to other labors the next and unskilled persons are employed to take their places, tends to block the wheels. And while there are very many faithful, earnest and efficient trustees who give their time and oftentimes their money, searching for good teachers, some of these officers fall far short of the requirements; too frequently, a trustee is elected by a clique solely on account of his promise to hire as teacher some relative or friend. Others are elected for the express purpose of running the schools with the least possible expense. With such officers any kind of a license and a willingness to teach cheap are the only requirements. In many other districts where the public money will afford good wages, the trustees oftentimes do not try to inform themselves as to who the good teachers are. I frequently find ordinary teachers working for say five dollars per week, and infinitely better teachers possibly in the adjoining district, at work for perhaps one-half that sum. The trustee makes up his mind he can pay about a certain sum, and then acts as though he thinks it makes but little difference what teacher he engages; that five dollars paid to one teacher will be as productive of good results as five dollars paid to any other; that a school teacher is a school teacher, one as good as another, and that is about all there is of it. He considers the applicants in the order in which application for the school is made. While considering applicant No. 1, he closes his eyes to the rest of the list, when perhaps first-class teachers may be among the number, until the fate of this No. 1 is decided.

This same trustee would observe no such order in employing a hired man for his farm. The question, who is the best man, and not who made application first, would govern him in his choice.

While I would not like to see the responsibilities of the school commissioner greatly increased, I don't know what can be done in the absence of the township system to remedy the defects. Under

the existing usages he is the only man in the entire district who knows who are competent, zealous teachers. He knows what school each teacher is adapted to, and could locate them in the various districts to better advantage and with better results, if not with better general satisfaction, than trustees do. And yet he has no power in this matter. He can simply give advice, and in the majority of cases, his advice even is not asked. Even when he knows that a teacher is obnoxious to a district and his employment certain to do harm, he is compelled to give license, if the teacher possesses certain qualifications. How can this knowledge which the school commissioner necessarily acquires be brought into requisition?

In September, 1875, I caused to be published in the local papers, a letter addressed to school officers and patrons, in which I strongly urged the adoption of the three term system. My visit to schools since that time have confirmed this opinion, and whenever I have met with patrons and school officers, I have agitated this question until a fair per cent. of the districts have adopted it. Whatever tended to favor the time honored custom of having schools taught during the months of July and August, has long since disappeared.

As in changing to the three term system much embarrassment has been experienced, because the close of the school year comes during the fall term; and as many think a term of school is not taught legally that begins about September 1, and continues into the next year, I think the school year should close about July 15, instead of September 30, as at present.

Many of the schools have no dictionary whatever. In my opinion, you as Superintendent of Public Instruction should, whenever possible, withhold your consent to a district using any portion of the library money to pay teachers until the trustee of that district states in writing to the supervisor that there is a good unabridged dictionary belonging to, and in use in the school. Without it, scholars are compelled to use words as meaningless to them as is the Hebrew language.

In the back part of every school register are blanks for teachers' reports to the school commissioner. I think these reports are wholly worthless. I never insist upon their being forwarded to me, and when so forwarded I make no use of them. In my opinion, all that can be learned from them of the proficiency of a teacher or the advancement of a school is small indeed.

Very respectfully,

ALBERT L. COLE,

School Commissioner.

HERMON, *February 4, 1881.*

ST. LAWRENCE COUNTY—THIRD DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In accordance with your request, I submit the following:

I have made 212 official visits during the past year. As to the benefits resulting from the above named visits, I find that in many cases I can help the teachers to do much better work and improve the schools that they are then teaching. I can do this only where I find the teacher doing what I call fair work to begin with. In cases (and there are far too many) where the teachers are doing poor work and only able to do that kind, I can do but little for the schools, as the teachers must spend a long time in preparatory work before they can teach well. I learn what kind of work each teacher can do and what kind of a teacher each district wants, thus enabling me to determine in regard to granting licenses and placing teachers where they will do acceptable work.

I have licensed 300 teachers. My plan of conducting examinations differs somewhat from many of my brother commissioners. I try to make my examinations of a practical rather than bookish nature. I require the teachers to state how they would teach the subjects generally taught in our schools. I give them a class and require them to teach just as they would in the school room, subject to the criticism of the teachers and myself. I try to make my examination work suggestive of the better methods of teaching; that while I ascertain the ability of the teacher, I may also help him to do better work.

I devote all my time to the work, and work hard, yet still feel that I cannot do all that should be done. Our county, I think, made a mistake when it determined to have but one school commissioner to each assembly district, thus giving me double the work to do that my brother commissioner of Franklin has, but each of us the same time in which to do it. With less territory to go over, I think the results would be more satisfactory.

In the matter of the apportionment of the public moneys, I think it would be more in accordance with justice if, after the district quotas, the rest of said money should be apportioned according to the average attendance; thus giving the money to those who actually attend school and offering a larger premium for such attendance.

There is a disposition on the part of many school districts to make the public money pay all the teachers' wages. In fact, it seems to be the test in regard to the fitness of a person for the office of trustee, can he so conduct matters as not to tax the district for teachers' wages. The State has paid liberally for school purposes, yet the money apportioned to each district will not pay a good teacher for 28 weeks or more of school. I have sometimes thought that it might work well to make the amount of money apportioned

to each district depend somewhat upon the amount raised in said district for teachers' wages.

As to the alteration of school districts, the settlement of local difficulties therein, etc., the law has made ample provisions, leaving a large share of responsibility on the commissioners, whose acts cannot possibly please both parties in a dispute.

In speaking of the general condition of the public schools under my charge, I will speak, first, of the school districts. Many of them have but few pupils within their boundaries, yet cannot be divided and their parts joined to other districts without locating the school-house so far from the children that they could not well attend school. There seems to be no way only to let those districts go on and demand of them that they support a good school, in a convenient, pleasant house. Many of the districts have, within the last four or five years, built good, convenient, pleasant houses, and are well pleased with them. Quite a number of our districts are still compelling their children to enter gloomy, uncomfortable school-houses, if they attend school. Now, as the State pays a large amount for school purposes, and by law says that all children must attend school, I think it has a right to say that the school-houses shall be not only warm, but pleasant and convenient.

I now come to what I think is the great difficulty in the way of the education of our common country schools, the place where a very large majority of the people get their only education. The difficulty arises from a want of attention and thought on the part of the people in regard to the importance of the common schools. This want of attention and thought causes ignorance on their part as to what good schools are and good teaching is, therefore they are content with poor schools and a low order of teaching, and complain that the commissioner will not license teachers enough to fill the schools, but will refuse those whom they (the people) know to be good teachers.

After long and careful observation and study of the subject, I am forced to the conclusion that one great cause of this willing ignorance and want of interest, is the fear of taxation to support something better. I think that one direct way to reach this difficulty would be to make the apportionment of the public money depend largely upon the average attendance, and the amount of money raised by tax in proportion to the assessed value of each district. Once make the people understand that the more money they pay, the more they get, and they will be aroused to more active thought on this subject. Other causes are at work, from which we expect grand results. One is the institute, and I cheerfully give my opinion in favor of institute work.

The institutes have done much in our county to advance the cause of education, by preparing the teachers for better work, and enlightening the people in places where they have been held. The institute is one means by which we may educate the people as well as the teachers. I think public sentiment is in favor of institutes.

Another great help is the normal school. When our normal school at Potsdam was just started there was quite a strong prejudice existing against it, partly on account of the local struggle to obtain its location at this place. That prejudice has nearly all worn away and the school now exerts a strange influence, in the right direction, upon our educational interests. Some complain that the normal schools are not doing what they were created to do for the State, to the extent that warrants the payment of those large sums for their support. The friends of the normal schools are quite ready to admit that they can and ought to be improved, and for this purpose we must just find out their defects. It is charged that they graduate but few teachers in proportion to the number that enters. This may be true to some extent, but on carefully looking the matter over I find that many do enter and attend for one or two years, then for one cause or another disappear from the school without being of use to the State as teachers. A few of the graduates teach but little, while some do poor work. Now all this is not against the system only so far as there are faults in it which we must try to correct. I would suggest first, that it be made more difficult to enter those schools, or in other words that the material for making teachers be more carefully selected.

Suppose we had a law requiring all who enter, to teach one term before applying, and to present a certificate from a school commissioner or superintendent, showing that their success had been fair. I think our normal schools should be continued with the best help of the State and the friends of education generally.

There is in my commissioner district one academy at Lawrenceville, which does much for our common schools in the way of preparing teachers for their work. It has sustained a good teachers' class most of the time, and I understand that the fund for the support of such classes has failed. Still the academy will, the coming winter, give special instruction in methods of teaching for the benefit of those who may attend. After looking the ground all over I am prepared to say that as far as my district extends we can report progress, with fair prospects for the future.

Respectfully yours,

E. L. GOODALE,

School Commissioner.

POTSDAM, November 12, 1880.

ST. LAWRENCE COUNTY—OGDENSBURG.

HON. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In addition to the financial and statistical reports sent to your Department last October, the following is submitted:

The status of the schools of this city, under my supervision, is little changed since the date of my last annual report.

We sustain one grammar school, in which two teachers are employed; three secondary schools, in which pupils are prepared to enter the grammar school; twenty-four primary schools, divided into three separate grades, and one school ungraded. Thirty teachers are now employed by the board of education, all of whom are females, with one exception.

During the year, three new school rooms have been finished and furnished, at an expense of three thousand dollars. This meets the demand for school accommodation so much needed in the lower primary grades.

Our present efficient system of graded schools in this city is incomplete, in not having an academy or high school into which pupils may be graduated after having taken the course of study prescribed for the grammar school. It is very desirable that advantages for higher education *here* be equal to those enjoyed by other cities and villages of our State having the same or a less population. This community needs a school of academic grade for the use of those who want an education fitting them to engage in the study of a profession, or to take a collegiate course. There seems to be a general sentiment prevailing in our midst in favor of providing some means by which a high school may be established that will afford all the facilities needed for acquiring wider culture; that will give every youth among us, who may desire it, a broad and solid English education.

There are very few who would reduce the scope of public education to the "beggary elements of knowledge," and support only charitable schools for the very poor. None but selfish worshipers of wealth, and defenders of caste, would degrade public education by cutting off a generous patronage and support. It has been shown, again and again, that the New England States were as careful to provide universities and grammar schools for the *whole* people, and to guard them with constitutional enactments, as they were to establish schools of a mere rudimentary nature. Their example, all over this country, has been generally followed. Professor Huxley expresses the almost universal sentiment when he says, that "No scheme of public schools is worthy of regard that does not create an educational ladder, with one end in the gutter and the other in the university."

There has lately been made an exchange of property by the board of education, in which the Ogdensburg academy grounds have been sold, and the present town house and the lot adjoining purchased. It would seem, now, that the initiatory step has been taken that will, at no very distant day, give us a first-class building in which we may organize a high school with all the modern improvements and facilities for acquiring a thorough academic education.

Respectfully,

N. W. HOWARD,

Superintendent.

OGDENSBURG, *January 15, 1881.*

SARATOGA COUNTY—FIRST DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—It is with pleasure that I have the honor of submitting to you the following report of the educational interests of the first commissioner district of Saratoga county.

The district consists of ten towns, in which are now existing 101 common school districts, four union schools and three private schools, also one academy, namely, the Mechanicville academy, under the management of Mrs. S. E. King Ames, a school that needs no further notice than the wide reputation for excellence that its worthy principal has gained for it by her untiring efforts.

Miss Mary Callaghan, a normal graduate, has lately opened a school in the Charlton academy that is rapidly gaining for itself and principal a sterling reputation which it cannot fail to sustain, as Miss Callaghan is a teacher of long experience and one who has been crowned with uncommon success.

Of the union schools, it is unnecessary to say but little. The one at Ballston, under the principalship of T. C. Bunyan, and the Waterford school, under its popular instructor, E. E. Ashley, are both full patterns of discipline and thorough teaching; the other two, namely, the Stillwater and Halfmoon schools, are doing very creditable work though yet in their infancy.

In the common school districts two new houses have been built, and others have been made comfortable by repairs. In short, the houses, with few exceptions, are in good condition. Nos. 3 and 5, at Providence, have lately been consolidated by mutual consent of the officers and members of both districts, thereby benefiting all interested.

During my term of office, I have granted 223 licenses, none having been given except upon rigid public examination, the examinations having been invariably conducted in association with my very worthy colleague, commissioner John W. Shurter, a gentleman whose experience in school work and whose untiring energy cannot be too highly esteemed by all with whom he may be interested.

The work of visiting schools, I think, one of the most important duties of the commissioner, and it is a field in which he can achieve telling results if he is in sympathy with the work. Indeed, in my opinion, there is no grander work than that of inspiring the youthful mind, by both example and precept, to thoughts that will ripen into deeds of excellence and worth; and here let me say, I fear that moral training and lessons in good common sense manners are too much overlooked by the average teacher in his efforts to crowd the mind with lumbering facts. It has been my pleasure, in the 279 visits thus far made, to encourage both teacher and pupil in inculcating correct principles, which alone are the foundation of noble manhood.

EDUCATIONAL PAPERS.

I am fully aware that many of the teachers of this district are constant readers of one or more of the educational periodicals of the age, the results of which are plainly seen in their work in the schools; yet I fear there are many others that are not familiar with any of the many invaluable works now offered to the ranks of teachers at prices so low that they are within the reach of every teacher in the land; and if teachers were all aware of the wealth of information to be found within the columns of such papers as the *New York School Journal*, *School Bulletin*, *Scholars' Companion*, *Teachers' Institute*, or any other of the many good works, the work of the school room would receive an impetus that would raise it far above its present standing,

TEACHERS' INSTITUTES.

The institute is doing its good work step by step, and although there is a lingering prejudice against it, that feeling is gradually melting away under the general sunshine of education and culture that has been cast abroad by the able instructors that have been sent to us from year to year. Our institutes are not only increasing in attendance, but are also improving in the attention given by the members, and a growing interest is manifested in many ways. In fact, I think we are receiving more solid benefit through the medium of "teachers' institutes" than from any other source.

NORMAL SCHOOLS.

Nine appointments have been sent to the Department admitting members to the Albany normal school, an institution that cannot be too highly appreciated by the public. Wherever the graduates from its halls are permitted to enter our schools, the sturdy hand of thorough training is invariably felt.

Thanking the Department for past favors,

I am, respectfully,

W. L. HOYT,

CHARLTON, December 15, 1880.

School Commissioner.

SARATOGA COUNTY — SECOND DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR. — In compliance with your request, I send the following report of the condition and needs of the schools under my supervision.

BUILDINGS.

During the past year, much more than the usual amount of building and repairing has been done. In the town of Edinburgh, three

new buildings have been erected; two of them, in districts No. 6 and 7, are of the ordinary kind, while the one at Batchellerville has two departments, and is well supplied with the substantial for good work, health and comfort. The same may be truthfully said of the new buildings at South Glens Falls, district No. 1, in the town of Moreau. The old building, with only two small rooms, has been so altered and enlarged that the new one now contains four large rooms, besides one for recitations. By this improvement, the children can be much better taught and accommodated than ever before. In addition to the improvements already mentioned, in nearly every town in my commissioner district, from one to four houses have been painted, reseatd or otherwise furnished and improved; all of which shows an awakening and growing interest on the part of patrons, for the well-being of our schools.

TEXT-BOOKS.

The law regulating the use of text-books in school has not amounted to much. In the year it went into operation, the "National Series," with but very few exceptions, was in use in my schools. At my suggestion, by letter, the voters adopted this series, thereby avoiding the trouble and expense of meetings of trustees, a change of books and securing a uniformity of books throughout my entire district.

TEACHERS.

After several years of thorough study and work, in school supervision, I fully believe that one of its principal defects is the result of the loose system in vogue of licensing teachers. To correct this evil as far as possible, at the beginning of my second term of office, the commissioners of Saratoga county, in a circular bearing date January 1, 1879, adopted the following plan for the examination of applicants, viz.:

In pursuance of sub. 5, sec. 13, title 2 of the amended school law, we, the undersigned school commissioners for the county of Saratoga, have ordered, that during 1879, '80 and '81, *only public examinations* of applicants for license to teach in said county will be held, commencing at 9 o'clock A. M., as follows, to wit:

Ballston—First Saturday in February, May, October and November.

Mechanicville—Third Monday in April and October.

Crescent—Third Tuesday in April and October.

Jonesville—Third Wednesday in April and October.

Charlton—Third Thursday in April and October.

Galway—Third Friday in April and October.

Saratoga Springs—Second Saturday in February, May, October and November.

Batchellerville—Fourth Tuesday in April and October.

Day Center—Fourth Wednesday in April and October.

Jessup's Landing—Fourth Thursday in April and October.

Fortsville—Fourth Friday in April and October.

Schuylerville—Fourth Saturday in April and October.

Applicants must be present at the beginning of an examination, present testimonials of character, and be at least eighteen years of age. They must pass a thorough examination in reading, penmanship, spelling, definition, arithmetic, geography, English grammar and United States history. They will be expected to have a general knowledge of the use of globes and charts, general history and literature, methods, school management, civil government and school law.

The practice of indorsing the certificates of non-resident teachers will be discontinued, and hereafter they will be required to conform to the same rules required of resident teachers.

For the two years last past, without a single exception, this plan of public examination in class and school has been faithfully carried out in my district. The fruit of this work has been the elimination of unqualified teachers from the school room, and filling their places with others of ability and culture. During the year just closing, eighteen graduates and thirty-five undergraduates from the normal school have taught continuously in my district alone. In this year, I have made ten appointments—one to Oswego, two to Genesee and seven to Albany—to these schools.

ACADEMIES AND PRIVATE SCHOOLS.

The academy at Saratoga Springs, under the able management of Professor Charles F. Dowd, supported by an efficient corps of teachers, is deserving of especial mention. Besides affording a scientific and classical course for ladies, in a new department of it, young men are fitted for business and college. The school is very worthy of its high reputation and large patronage.

Of the private schools now in a healthful and prosperous condition, we mention one at Batchellerville, taught by Mrs. E. J. Person, a veteran normal; another at Saratoga, Miss Lizzie Spence, teacher, and another at Middlegrove, Miss Alice H. Cadman, a normal graduate, teacher. The average number of pupils attending each of these private schools is about 30, and the instruction is generally very satisfactory to patrons and pupils.

CONDITION OF SCHOOLS.

All of the union schools under my supervision are doing excellent work, and are enjoying much prosperity. Seventy-five of the ordinary common ones are also in a prosperous condition. The causes of this prosperity are a reasonable amount of wealth and intelligence on the part of patrons, good buildings, efficient teachers and school officers. The remaining 37 are lacking in one or more of these essentials, and consequently in prosperity accordingly.

TEACHERS' INSTITUTES.

Two good institutes have been held this year, each one lasting one week; the one at Saratoga Springs, beginning April 19, received the instruction of Professor Jas. Johonnot, of Ithaca, and Professor John Kennedy, of New York; and the other at Ballston, beginning December 20, received the instruction of the last named gentleman and Professor R. E. Post, of Ithaca. The attendance of teachers at each of these institutes was very large and punctual, and the instruction thorough, practical, and consequently very interesting and profitable. Much interest was added to each session by the presence and words of counsel of Hon. Neil Gilmour, our worthy and efficient Superintendent of Public Instruction.

LABOR.

Our last year's work includes thirty weeks spent in making 226 visits to the school room, and 45 more on district matters; two weeks at the teachers' institute; three on reports, and four in the examination of applicants, besides Saturdays, any regular office day in Saratoga. In the performance of each duty devolving on me, while acting for the greatest good of the schools, I have endeavored to deal justly and kindly with all interested parties.

WANTS.

Briefly stated, they are included in the necessity for some plan, sustained by law, that will put the trained teachers from our normal schools, and from all other good schools for the training of teachers, into our common schools *to stay*; that will cause our teachers and school officers, in the absence of a good excuse, to attend the teachers' institute for the whole time required; that will give to the commissioners the teachers' and trustees' reports in due time and form, and that will put school buildings in proper order for efficient teaching, minus the delay, confusion and discord now attending the formulas of our present system.

With thanks to the Department, teachers, and all others, for favors received,

I am, very truly yours,

JOHN W. SHURTER,

School Commissioner.

SARATOGA SPRINGS, *December 27, 1880.*

TWENTY-SEVENTH ANNUAL REPORT OF THE
SCHENECTADY COUNTY — RURAL DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—In compliance with your demand for a written report of the condition of the schools under my charge, I have the honor to submit the following statement :

WORK ACCOMPLISHED.

During the past school year, I made 119 visits to schools under my supervision, and in reply to your interrogatory as to the impressions made upon me as consequences of these visitations, I beg leave to say that I prefer speaking generally of the visits of school commissioners.

It is better to visit a school without informing teacher and pupils of your coming. Why? The school will be found in its every day dress. No cramming will have been performed to get ready for the commissioner. Teacher, scholars, school room, and all the surroundings will be found as they are each day. No "fuss and feathers." No extra fixings. No cleaning up of school room, grounds, etc., for this particular occasion, but the school will be found in its every day life. The teacher should be asked to conduct the school in the same manner as conducted each day. No change of order whatever. The commissioner can at the close of, or during a recitation, ask such questions and offer such suggestions as may seem proper. I have always found both teachers and pupils apparently pleased with my visits, and in many cases teachers have declared themselves under obligations for hints on methods and manner of teaching, also controlling and disciplining.

I have licensed eighty-five teachers. Have no written or printed questions already prepared, and with answers all written out. Seldom use a text-book. Frequently ask for a letter. From it get their writing, spelling, composition and, of course, grammar, punctuation, use of capitals, etc. I think school commissioners would be glad to be relieved of the responsibility of examining teachers, and I venture to suggest a change. Make your institute conductors an examining board. Meet for that purpose in each commissioner district once in each year, holding a session of one or more days according to work to be done. No certificate to be granted for less than one year. Certificates good (unless revoked) in any common school district in the State; issued, if you please, by the commissioners, on recommendation of board of examiners.

You also ask for suggestions as to apportionment of public monies, etc. I would increase the amount of public money by increased State taxation. Make the districts nearly free from local taxes for teachers' wages. Although the alteration of school district boundaries is a source of much annoyance to commissioners, I don't think any change desirable.

You ask me to report generally the condition of the schools under my charge. When I look back to my school days passed in a

number of the districts now under my supervision and note the improvement in buildings, grounds, text-books, teachers and range of studies taught, I then can see and feel that our schools are improving each year. As the children are better taught, they make more intelligent men and women, and as a natural consequence are more interested in live teachers and live schools.

The effect of the institute held in my county has been and is most salutary. Many of my teachers have expressed themselves as under great obligations to your corps of instructors for valuable lessons on school work, discipline and general school management. Notably to Prof. Lantry, who has been with us four times, and although he has repeated his visits, he is not a repeating instructor, but always new, fresh and practical.

Many of the patrons of the schools do not understand the institute, its workings, etc. This year I invited, specially, the trustees to be present on Thursday, during the session of the institute, and I assure you they were very much pleased with its operations.

Our institute, held last September, was a grand success. Fail is not the word with two such conductors as Professors Lantry and Northam. By the unanimous vote of the institute, and with your permission, they will conduct our next one, to be held during the coming spring.

There is one private school in my district, located in the village of Quaker Street, town of Duanesburgh, and is doing good work; giving the young men and women an opportunity for a higher education, without leaving home.

The normal schools are regarded with much favor among people who are acquainted with their object and have seen their results. So few of the graduates teach that but little is known by the people of their great usefulness in fitting and preparing teachers to instruct common schools. A term or two of teaching, after graduation, and then the young men go into "business," and the young women into matrimony. If the work designed by the Legislature for the normal schools to accomplish was to educate teachers, and also to have them continue teaching, my opinion is that the Legislature has been and is being humbugged.

You say it has been alleged that the office of school commissioner ought to be abolished. I have entertained the same thought sometimes when riding through storms of pelting rain and floundering 'mid mountainous drifts of snow, in order to reach some far off school-house; but at length the sunshine comes again, the shower is over, the snow-drifts have gone, and once more hope animates the human heart. There always have been grumblers, and I expect always will be.

It strikes me I have somewhere heard it alleged that the office of Superintendent of Public Instruction should be abolished. Only a grumbler. Some theoretical teacher, great on educational papers to be read at associations, dissatisfied with the office because he is not the officer.

In closing this report, I desire, especially, to sincerely thank you and all connected with your Department, for many favors and courtesies shown me during my term as commissioner.

Your obedient servant,

H. MAYNARD AKIN,

School Commissioner.

SCHENECTADY, December 15, 1880.

SCHENECTADY COUNTY — CITY.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR. — Your circular of July 20, 1880, calls for a written report containing such information and suggestions concerning the schools of this city as may be considered to be of public interest or importance.

The statistics of the schools will be found in the tables accompanying your report, and hence it seems to be unnecessary to state them again in this place. A careful examination of the financial statement will show that the cost *per capita*, based on the average attendance in our schools, is very much below the average cost in the cities of the State, and probably less than the same in any other city. This is, doubtless, owing to the fact of a greater number of pupils to a teacher, rather than that the average salary is so much below that in other places. In those cities where annual reports are manufactured chiefly for home consumption, great stress is often given to this point; but it is doubtful whether it is wise to bear down heavily upon it. The idea is getting itself slowly distilled into the minds of the people at large, that the laws of political economy obtain in the business of education as strongly as in other departments of life. If good teaching is wanted, good wages must be paid. If the right kind of development is sought for, the surroundings must be substantial and wholesome. In these days every thing of value costs money; and, hence, when claims of very great economy in school matters are made, a chance is left for a suspicion that the article of education furnished may be of an inferior quality, say, from fair to good, instead of gilt edged.

There is one question which will soon confront the boards of education in the various cities of the State. What shall be done with the superannuated teachers of the public schools? The graded system has been in operation a quarter of a century or more, and there are many teachers who have been connected with the schools since this system was established. The time is soon coming when it will be necessary that they retire to make room for younger and more efficient teachers. How shall their retirement be brought about? Had they been paid a salary sufficient to enable them to provide for the inevitable rainy day, it might be kind and just to ask them to resign. This, however, has not been done. The scanty

pay has all been expended in their support. The proposition has been broached that they be pensioned; that after a continuous service of twenty-five years, they be allowed to retire upon half pay. The papers are full of the question, what we shall do with our ex-Presidents. The officers of the army can be retired upon half pay at a certain age. An immense sum is annually paid out by the general government to pension its ex-soldiers. At the last election an amendment to the State Constitution was adopted, to pay those justices of the supreme court who might be so unfortunate as to become seventy years of age, during their term of office, the full pay to the end of the period for which they were elected. Why should a justice of the supreme court, who has received six or seven thousand dollars per annum, be paid that amount for several years after the law deems him unfit for duty, and a teacher who has taught twenty-five years, for three or four hundred a year, be turned out to grass without a cent? The fact is, boards of education will be slow to discharge teachers who have faithfully given the best years of their life to the service; hence, many of these teachers will continue on — will be compelled to continue teaching, greatly to the detriment of the schools. May I venture to express the hope that your report to the Legislature will contain an earnest recommendation, that provision be made by them, allowing boards of education to retire teachers who have a record of twenty-five years' continuous service in the schools of the State.

An attempt has been made to increase the efficiency of the instruction in industrial drawing in our schools. Mr. R. G. Chase, representing Prang & Co., spent some time with us instructing the teachers. This has resulted in a more systematic method of teaching this very important branch of study.

The schools of the city are generally in a flourishing condition.

Respectfully submitted,

S. B. HOWE,

Superintendent.

SOHENECTADY, *January 17, 1881.*

SCHOHARIE COUNTY — FIRST DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.— With pleasure do I comply with your request for a written report of the condition of the schools in this commissioner district, and of my official acts during the school year ending September 30, 1880; and in addition to the facts and figures contained in

my financial and statistical reports heretofore made and filed in your Department, would respectfully submit the following statements:

During the months of December, January and February last, I visited 98 of the 102 schools in this commissioner district; leaving only four schools that were not visited by me during the winter term. And the only reason why I did not visit these four schools during the said term, was the fact that no school was being taught in these districts upon the days on which I went to their neighborhoods for the purpose of visiting these schools.

During the months of May and June last, while the summer term was being taught, I visited 98 of the schools; the remaining 4 schools were not visited by me during the summer term for the same reason that a like number were not visited by me during the preceding winter term, and without any fault of mine. In all, during the year, I made 196 visits; and visited every district school in this commissioner district once, and all but 8 twice. In making my official visits, I have endeavored to appear to the teachers and scholars in a kind and friendly manner, and to cause them to feel that I was interested in their success and happiness as individuals, and as schools. If from any thing that I have heard or observed, I thought a word of advice was necessary or proper, I have given it in such a way, and at such a time, as I thought it would do the most good. To those teachers and schools that were doing well, I have suggested to try and do even better; to those that were not doing so well, I have kindly urged the necessity of improvement; and to all I have endeavored to give support and encouragement.

Of the impressions that I have received as consequences of these visitations, I would say that, in this commissioner district — and I believe the same is to a great extent true of every other — there is a variety of teachers employed, as well as schools taught; and, in fact, in every thing connected with the schools and school property.

There are in this district some well built and well furnished school-houses; but by far the larger number of them are old, poorly built, and are not well furnished with such conveniences and apparatus as serve to make the school room comfortable and attractive. One new school-house has been built, and several others have been repaired, during the past year. They have been furnished with neat and comfortable furniture, and speak well of the enterprise and intelligence of the communities in which this good work has been done. More of this same kind of work is greatly needed in many of the other school districts; and I trust the time is not far distant in which much more of this kind of work will be done.

According to the reports of the trustees of the several school districts which compose this commissioner district, the whole amount of money, during the past year, raised and expended for school-houses, sites, fences, outbuildings, repairs, furniture, etc., was the sum of \$1,404.08; which would be an average expenditure of about \$13.77

for each school district. But \$900 of the sum before mentioned was expended in the building of one new school-house; which amount, taken from the said sum of \$1,404.08, would leave the sum of \$504.08, which is the whole sum that was expended, during the past year, for the purposes aforesaid, in all the school districts, one excepted, composing this commissioner district, which would be an average expenditure of about \$5 for each school district. The school-houses and sites of this commissioner district are valued at the sum of \$40,213, which would make the average value of the school property in each school district about \$394. The assessed valuation of the taxable property of the district is reported to be \$3,393,600, which is probably about one-third of its real value; which would make the average assessed valuation of the taxable property of each school district about \$33,270, and the average real value about \$99,810.

From these figures it will be observed that in this commissioner district, to every dollar invested in school property, there is other property, the assessed valuation of which is about \$85, and the real value of which is about \$255. These figures do not seem to me to bear the right proportion to each other. And the oftener I visit the school-houses, the firmer I become in the conviction that the people of my district should be more liberal in their expenditure for school-houses and school property. And as I have done in the past, so in the future, I propose kindly to suggest to the people as I go about that it would be wise as well as profitable for them to use a larger proportion of their means in building comfortable school-houses, upon pleasant and attractive sites.

Of the school-houses in this district, only two are built of brick; the remaining 100 are frame buildings.

The schools are all common district schools, except one — the union free school at Schoharie. This school is in the village district, which has large and well appointed grounds; a large, substantial and conveniently arranged school building, well furnished with library and school apparatus, and an excellent and efficient corps of six teachers. With these facilities, it may be truly said that the youth of Schoharie have more advantages, and better educational facilities, than have the youth of any other school district under my jurisdiction. And it seems to me that the cause of education would be greatly promoted in this district were there more schools of the kind, and conducted like this.

Three other schools employed two teachers each, at the same time, during the past school year. The remaining 98 schools were taught by but one teacher each, teaching at the same time.

The whole number of licensed teachers employed at the same time for at least 28 weeks, during the past school year, was 109. The number of male teachers so employed, during some portion of the year, was 89. The number of female teachers so employed was 111; making the whole number of teachers engaged in teaching, during some portion of the year, in the public schools in this district, 200.

These figures indicate a frequent change of teachers. And, in fact, it is of quite common occurrence for one teacher to teach the school during the winter and another during the summer term. Sometimes these changes are necessary and beneficial; but I am inclined to the opinion that in many instances changes should not be so frequently made.

Of the whole number of teachers employed as aforesaid, 196 were licensed by a commissioner, 3 by the State Superintendent, and 1 was a graduate of the normal school.

I hope and expect that in the future there will be engaged in teaching, in this district, a larger number of graduates from the normal, as I have given to quite a number of persons who have taught, or who expect to teach, certificates to attend the normal school at Albany. As to the qualifications and ability to teach, of the 200 persons employed in teaching during some portion of the school year, my observations in the several school rooms cause me to say that some of them are superior teachers; persons possessed of good natural ability and qualifications, and of sufficient learning and experience to teach, and they were teaching excellent schools. There were others who have not had experience in teaching, and whose advantages for qualifying themselves as teachers have not been so great, but who were trying to make the most of their opportunities, of fair ability, and who, under all the circumstances by which they were surrounded, met with a fair degree of success. As a body of teachers, I think that those who have been employed in this commissioner district, during the past year, will compare favorably with those of the adjoining counties; and in learning and ability to teach are fully equal, if not superior, to those persons who were formerly employed as teachers in this district.

The average wages paid teachers per week for the winter term, including board, for each school district, during the past year, was \$6.86; for the summer term it was \$5.37. From these figures and from personal observations, I am of the opinion that, as a general rule, the teachers so employed have justly earned the sums of money that have been paid to them for their services, and even more. In 74 of the school districts, the teachers boarded around among the inhabitants of the districts and the patrons of the schools. In 28 districts they did not board around. Of the 101 districts from which reports for the past year have been received, 37 had but one trustee; 2 had two trustees; and 12 had three trustees each. Ninety-seven districts own the school-house sites, and 4 do not. But one school-house and grounds are separated from the public highway by a fence. Eighty-five districts are reported to have privies for the use of pupils attending the schools; but 16 are said not to be provided with such a necessity. In no district, during the past year, has school been taught on Saturdays. In all the districts the teachers have verified the registers kept by them. In 73 districts the trustees are reported to have kept a record of their

financial transactions in the district books ; and in 27 districts they did not. Only 81 of the 102 districts are supplied with a copy each of the Code of Public Instruction. It seems to me that the Legislature of this State would do a wise and a profitable thing, if at its coming session it would make an appropriation of State funds large enough to furnish every school district in this State with a copy of a new revised and amended edition of the Code of Public Instruction, containing all the school laws now in force, the decisions of the courts pertaining to the schools, and the decisions of the Superintendent of Public Instruction, down to the present time.

Many important and material changes have been made in the school laws ; new ones have been enacted, and many decisions have been rendered by the courts of law, and by the State Department, since the Code of 1868, the last edition of the Code that was furnished by the State to the school districts of the State for the use and guidance of school officers. No laws of the State of New York affect a larger number of persons, or property of more value, than do the laws pertaining to school districts and our common school system. Hence the great propriety and necessity of furnishing those having charge of the schools, and the care and management of the school property, with all the latest and best information and authorities concerning their powers and duties. I hope when I come to make my next annual report, that I may be able to say that every school has been supplied with, and has for its use, a copy of a new and complete Code of Public Instruction.

There were residing in this commissioner district on the 30th day of September last, 5,116 children between the ages of five and twenty-one years, of whom 4,149 attended the district schools during some portion of the year ; leaving the number of 967 of school age who did not attend these schools during some portion of the year. The average daily attendance of children upon the public schools in this district, during the past year, was 2,013.

The whole number of days' attendance upon the schools of this district, for the year, was 344,321, and the whole number of days taught was 16,226, which would make the average daily attendance for every day taught about twenty-one. Only one school in this district had an average attendance of over 100 pupils ; five had an average attendance upon each of fifty and upward ; thirty-one had an average attendance of twenty pupils and upward, and twenty-three of the schools had an average daily attendance of less than ten pupils each.

These facts and figures may suggest the question : Why this seemingly small average attendance upon the public schools ? Besides this question, they may also suggest this answer to the question : That the people are not interested in the success of the schools of their respective districts, and are indifferent to the cause of education.

But not so; these are not the real causes or the true reasons that should be given in answer to the question. While I admit that, in my judgment, the people of this district should be more deeply interested in the cause of education and in the public schools than they have been and now are, they pretty generally appreciate the value of the schools and the educational advantages that the public school affords. As evidence of this, the figures show that a large per cent. of children of school age, residing in the several districts, attended the schools during some portion of the year. Nor, as a general rule, is it the fault of the teachers that the school-houses are not well filled with pupils. As a body, they are competent and earnest workers in the cause in which they are engaged. The real and only true answer to the question seems to me to be this: The fact that there are but few children of school age residing in the districts in which these small schools are to be found. In very many of the school districts, the number of children lessens rather than increases every year. This is true in regard to districts whose boundaries have remained the same for many years; and in them to-day there are not more than about one-half or one-third as many children as there were twenty or twenty-five years ago. There are just as many, and perhaps a greater number of families; but there are not so many children in a family, as a rule, now as there was then.

Another question might be suggested by these facts and figures: Would it not be well to alter the boundaries of the districts, and consolidate them, putting several small districts together, thereby forming one large district; and as a consequence a large school in the place of several smaller ones? I would answer this question by saying that, in my opinion, it would not be well to do this in the matter of most of the school districts that are outside of the larger villages.

And for this opinion, among other reasons that might be given, I would state that most of the school districts in this commissioner district embrace within their respective boundaries quite a large section of country, extending in either direction a distance of one to three miles. By uniting two or more of these districts into one, the distance that a large number of the children would be obliged to pass over, in going from their respective homes to the school-house, would be increased to such an extent that it would be difficult and impracticable for them to attend the school, at least during the greater portion of the school year. So that while the size of the district would be increased, the average attendance upon the school would not probably be materially increased by the consolidation. And I am also inclined to the opinion that, while the quality of the school might be improved by the union of districts, the number of children that would be discommoded, and virtually deprived of the advantages of the district school, would be greater than would be the number that would be materially benefited by the

change. I think that the district schools should be of such a number and so situated as to give opportunities to acquire a practical education to the greatest number, with as little inconvenience as may be. For these and other reasons that might be assigned, I would not at present recommend a change in the territory composing the school districts outside of the villages in this commissioner district.

According to the reports of the trustees of the several school districts, the whole amount of school money on hand in the several districts, on the 1st day of October, 1879, the commencement of the last school year, was \$404.89. The amount of the public moneys that was apportioned, during the year, by the commissioners, among the districts, was \$11,572.32. The amount received as the proceeds of gospel and school lands was \$9.25. The amount raised by tax was \$6,933.48. The amount of moneys actually paid, together with the estimated value of teachers' board where the teachers boarded around, was \$5,728.85. The amount received from sources not named was \$1.87. And the total amount of school funds received from all sources, for the school year ending the 30th day of September 1880, was \$24,650.66.

This sum of money is accounted for in the following facts and figures: There was paid out for teachers' wages, during the year, the sum of \$21,068.16; for libraries, \$16.07; for school apparatus, \$33.06; for colored schools, \$105; for school-houses, sites, fences, outhouses, repairs, furniture, etc., \$1,404.08; for other incidental expenses, \$1,647.22; and the amount reported as on hand, on the 30th day of September, 1880, was the sum of \$382.07.

In the apportionment of the State moneys, during the year, there was apportioned among the several school districts the sum of \$166.41 for district libraries, which sum is included in the amounts before mentioned. Of the sum so apportioned for library purposes, it appears that only \$16.07, being less than one-tenth part of the sum so set apart for library purposes, was used for the purchase of books; the remainder of said sum, being to the amount of \$150.34, was used for the payment of teachers' wages. In this connection, other facts reported are worthy of notice. The number of volumes in all the school district libraries of this commissioner district is reported to be 4,121; and the estimated value of all of said libraries put together is \$1,519. The number of districts that have book-cases for their libraries is 54; the number that have none is 48. Sixty-four districts report that they have libraries; and 38 that they have none. It must be evident to any person, from these facts and figures, that it is of but little use, in this district, for the commissioner to apportion among the school districts a separate fund for library purposes. Under the school laws now in force, the trustees are permitted to use the library money for the payment of teachers' wages, when the amount apportioned to their

respective districts is less than \$3. From the records of the last apportionment, it appears that there were only 8 school districts that received \$3, or a larger sum, for library purposes. And nearly all of the districts took advantage of this permission given them by the law, and used the small sums of library money apportioned to them in the payment of teachers' wages. Nor has the past been an exceptional year; but for many years the same fund has been disposed of in the same way. It seems to me that the law making power of the State should either repeal the law now in force, and pass another prohibiting the use of this fund for any purpose, except for the purchase of books, and increase the amount thereof to a more respectable sum; or should repeal all the statutes now in force in regard to library money, and dispense with that as a separate fund entirely. It appears very much like a useless waste of time and labor for the commissioner of this district to carefully apportion, in a separate apportionment, so small a sum of money as \$166.41 among 102 school districts, in proportion to the number of children in each between the ages of 5 and 21 years, for library purposes, when the fact appears that but \$16.07 of that amount has been used for the purpose for which it was designed. Better increase the amount of the fund to a respectable sum, and by law restrict its use for library purposes only, or do away with it as a separate fund entirely, and apportion all of the school moneys received from the State directly for the payment of teachers' wages. In other respects, the school laws in relation to the apportionment of the school funds seem to me to be just and practicable, and at present I have no other changes in them to suggest.

In the matter of the settlement of local and neighborhood difficulties arising in school districts out of school affairs, I would suggest a change in section 6, title 13, of the General School Laws of the State of New York; which section reads as follows: "In any action against a school officer or officers, including supervisors of towns, in respect to their duties and powers under this act, for any act performed by virtue of or under color of their offices, or for any refusal or omission to perform any duty enjoined by law, and which might have been the subject of an appeal to the Superintendent, no costs shall be allowed to the plaintiff, in cases where the court shall certify that it appeared on the trial that the defendants acted in good faith." I am of the opinion that it would contribute to the peace of the districts, and that justice would be more likely to be done between school officers and teachers or between the inhabitants of the district and officers and teachers, and with less trouble and expense, to amend said section by striking therefrom these words: "In cases where the court shall certify that it appeared on the trial that the defendants acted in good faith." From observation, I am inclined to the opinion that, under this section as it now stands, in some of our courts that are limited in ability as well as in jurisdiction, manifest injustice is

frequently done to school officers and their districts in suits at law, by the refusal of the magistrate to make the certificate required by the section. I would advise that all power and discretion in the matter of costs should be taken away, leaving the plaintiff in an action of the kind, and for the causes aforesaid, to pay his own costs, even though he should recover a judgment for damages in the suit. Were the change made in the law, I think there would be a less number of vexatious lawsuits over school matters, and consequently less trouble and costs made.

In the laws pertaining to the employment of teachers in the schools, and the methods connected therewith, no changes suggest themselves to me under existing circumstances as advisable.

The teachers' institute for Schoharie county was held at Cobleskill during the week commencing the 25th day of October last. It was conducted by Profs. Lantry and Northam, and was well attended by the teachers and people of the county; was well instructed and conducted; and in all respects, so far as I am able to judge, was fully equal, if not superior, to the many successful institutes of the county held in former years. The number of teachers in attendance was about 300. And I think that no person, be he teacher or not, could have attended any of the sessions of said institute without hearing and learning many new, interesting and practical things. I believe that this and former institutes have been of great and lasting benefit to the teachers of the county; that the cause of education has been advanced thereby; and that public sentiment is strongly in favor of holding them. And I also believe that the money expended by the State in holding teachers' institutes, and in furnishing conductors for them of the kind and character that have been held and furnished for this county during the past few years, is usefully and profitably invested.

As to the normal schools and the influence that they exert, I would say that, from the visits that I have made at the schools taught by their graduates, and by persons who have attended them but for a few terms, I have formed a favorable opinion of them, and also of the practical common sense methods of imparting and receiving discipline and instruction which they have adopted.

From these and other sources of information, I am convinced that these schools are of great value and importance to the cause of education; that the State could ill afford to dispense with them; and that, as a general thing, they are accomplishing the work designed by the Legislature when they were established.

In this commissioner district there are no academies; and only six private schools have been taught during the past year. These schools were attended by 164 pupils, which would make an average number of about 27 pupils for each school. I have not visited these schools, but am acquainted with most of the teachers and pupils, and have had opportunities to know something in regard to the

methods of teaching adopted in them, and the general management of them.

These schools are doing a very good work, and meet with a fair degree of success; but, from my knowledge of them, I incline to the opinion, that their existence is owing more to the crowded condition of the neighboring district schools than it is to any superior educational advantages that they offer. One union free school established in a certain village that is in great need of such a school would effectually dispose of four of these private schools reported. The remaining two private schools are but temporary affairs.

During the last school year, as commissioner, I granted to teachers licenses to the number of 190, which were graded as follows: Of the first grade, 22; of the second grade, 105; and of the third grade, 63.

During the month of March last, I passed one day in each of the eight towns comprising this commissioner district — of which due and timely notice had been given — in the examination of applicants for licenses to teach. And while a large number of teachers were examined upon these days, perhaps a larger number of them have been examined by me at the institute, and at my office, upon other days than those specified. As to the methods that I have pursued in examining and in licensing teachers, I would state that in determining the question as to whether I should grant or refuse a license to the applicant, and if I decided to grant one, the grade thereof, I have considered the age of the applicant, the number of terms taught, if any, the number and grade of former licenses held and by whom granted, where educated, the kinds of studies and the extent to which they had been pursued by the applicant. All of which facts I would endeavor to ascertain by an oral examination, or from such other evidence or documents as would be competent to prove the facts that were sought to be established. If, from these oral examinations, it appeared that the applicant held a license granted by a former commissioner of this district, or by one of an adjoining district with whom I was acquainted, and in whose good sense and judgment I had confidence, and unless some good reason was made to appear why I should not do so, I would usually grant to the applicant a license of the same grade as the one formerly given by another commissioner, without any other or further examination. In the matter of license, as in the practice of law, I recognize the rule, "Stand by the decisions," and reverse them only for good cause. But if the applicant had never been licensed, it was customary for me to submit to him or her, for answers or solution, about ten carefully selected written questions upon each of the following subjects: orthography, grammar, geography, history and arithmetic, and sometimes algebra, to which questions I would require answers or solutions in writing, to which would be added about ten carefully selected test words to spell and define in writing. A short reading exercise would follow, in which the applicant would be required to

give the names, and to explain the uses of the several marks and pauses that might be found in the verse read, and also to give some of the general rules relating to emphasis, inflection and good reading. A writing exercise and some questions pertaining to civil government would generally complete the examination.

This is substantially the course that I have adopted in the examination of teachers. I prefer this half written and half oral examination to an examination that is entirely written or an entirely oral examination. I think it is the fairest to the teacher, and is the best calculated to test his character and ability, and at the same time it makes a sufficient record as to his qualifications.

If from the examination thus made I conclude to grant to the person so examined a license, the next question that suggests itself is, What shall be its grade? In determining this question, I have conformed to certain rules, one of which is not to grant a license of the first grade to a person who has never taught, no matter what his or her qualifications were aside from experience. Another is to grant only a third grade license to a person who has never taught, unless that person has had educational advantages superior to those of most applicants.

But, as appears by the figures before given, I have granted a larger number of licenses of the second, than of both of the other grades. They have been granted generally to persons who have had some experience, and have met with a fair degree of success as teachers. I have given teachers third grade licenses to teach in certain schools whom I would not have licensed to teach in certain other schools. I recognize the fact that teachers of quite limited qualifications will succeed quite well in certain districts, whereas in certain other districts they would utterly fail.

I believe that in the matter of licensing teachers, every case should not be disposed of by the application of some high standard of qualifications and inflexible rules. I am aware that in these progressive times much is said about raising the standard of qualification for teachers. And not unfrequently the commissioner is the subject of the criticism of enthusiastic educators, whose theory as such is all very well, but whose practical applications are quite as faulty as are those of the person with whom they find fault. I am in favor of raising the standard of education and of the qualifications of teachers; but I do not believe in planting their standard on ground so high that only an exceptional few of the persons who are needed, and who should rally around and uphold the same, can reach it. I would have a good situation for every teacher, and every teacher able and competent to wisely fill that situation, were I able to control these things; but I am not, nor would any other person be able to do so. I believe in taking a common sense view of the circumstances by which we are surrounded, in both private and official life, and in making the best practical use of the situation. I can see no good reason why a more arbitrary rule should be applied

to persons who engage in teaching than to persons who engage in other public professions or business.

No person would expect that a Beecher or a Talmadge would accept the position of pastor of a small congregation that assembles for religious worship on Sunday in a small church or school-house on the hill tops of this county. And the reasons are so obvious that I need not give them here. These people, by their situation in life, are compelled to listen to preachers of less ability and experience. Would it not be just as consistent for these communities to say that unless we can have one of these great and learned divines to preach the Gospel to us, we will have no public religious services, as it would be for these same communities to say that unless we can have a graduate of some college, or of the normal school, or some teacher who is possessed of great learning and ability, we will not have a district school taught in our midst?

There are school districts in this commissioner district in which the assessed valuation of all the taxable property in the district does not exceed \$10,000, and the number of children of school age does not exceed ten, and the greater number, if not all of them, are not far advanced in their studies, in which district a school should be taught.

Now, in a case like this, what is the duty of the commissioner in the matter of licensing a teacher to teach this school? It seems to me that he should grant a license to teach that school to some person of good moral character, whose learning and ability are as good as a district of this kind could probably get. I think that neither a commissioner nor his rules for licensing teachers should be so arbitrary or inflexible as to practically deny to any number of children the advantages of the school, even though from necessity it must be, in every sense of the word, common.

During the past year, I have received only kind and respectful treatment from the pupils, teachers and school officers of the district; and the people have been generous and have welcomed me to the hospitalities of their homes. The newspapers of the district have been just and kind in speaking of my official acts, and their columns have been generously offered to me for the purpose of giving the people information concerning the schools and the cause of education; all of which I appreciate, and for which I am thankful.

In conclusion, I would thankfully acknowledge the many favors and the kind and honorable treatment that I have received from the Department of Public Instruction, and from those persons who have been connected therewith, during the past, and earnestly hope that in the future, by well doing, I may merit a continuance thereof.

Very respectfully yours,

WILLIAM H. ALBRO,

School Commissioner.

MIDDLEBURGH, *November 30, 1880.*

SCHOHARIE COUNTY — SECOND DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.— In compliance with the requests of your circular of July for a written statement relative to the condition and wants of the schools in this commissioner district, together with the impressions received while acting officially, I cheerfully submit the following for your consideration.

The annexed table prepared and copied from minutes made while visiting schools in the respective districts, during the summer term, furnish statistics not contained in my general report which has been forwarded to you.

The whole number of teachers employed in this commissioner district during some portion of the last school year was 198, consisting of 104 males and 94 females. One hundred and forty six of this number hold licenses granted by myself — 42 were licensed by commissioners who preceded me — 6 were normal graduates, and 4 held State certificates.

In the year 1879, certificates were given to applicants as follows, viz.: 24 first grade, 70 second grade and 49 third grade. During the year 1880, I have granted 10 first grade, 74 second grade and 8 third grade licenses. By comparison you will notice that the number of applicants licensed in the year 1880 is 51 less than the number licensed in the year 1879. The result of this fact is that wages for the present term, in many districts, have increased from 10 to 20 per cent.

In conducting the examinations of teachers, I have usually selected about twelve questions in arithmetic, grammar, geography, etc.—questions involving essential principles — and have required that applicants solve and answer, correctly, 60 per cent. of these questions to entitle them to a certificate of the third grade, 75 per cent. to a second grade, and 90 per cent. to a first grade — none receiving first grade except those who have had successful experience in teaching.

While many would consider this examination a sufficient test of qualification, I am firmly of the opinion that commissioners cannot fulfill the spirit of the law which created the office they hold without occupying several days in holding examinations, in order to ascertain that those who teach cannot only solve problems in mathematics, but can explain those solutions by the philosophy of mathematics; not only that they can analyze and parse a sentence, but give evidence of a thorough and definite knowledge of language as a science. In addition to this ability, all teachers should be required to pass examination in "Theory and Practice of Teaching," exemplifying their method of conducting class exercises, etc.

I would gladly unite with all school commissioners in thus elevating the standard of examination for teachers, were public opinion in relation to schools sufficiently advanced to indorse such a course. But there is a class, not small in number, including, occasionally, a representative person, who criticise these opinions, claiming that there should be applied to schools the same general regulations which are applied to business. They insist that all business men are not rigid in exacting of their clerks and assistants arbitrary tests of qualifications; neither should teachers who desire to engage in rural districts be subjected to arbitrary examinations. We call the attention of such theorists to statistics proving that only one of every ten persons engaged in practical business succeed, and that the remaining nine fail through a lack of business principles. Hence the conclusion, in schools as in business, only fully competent persons should be assigned their management if we would make them thriving and prosperous.

By comparison of the reports of trustees from year to year, I find that few teachers are retained in the same school more than three terms, the majority remaining but one term. There are, however, a limited number in this commissioner's district who have been retained for years in the same school. These teachers, invariably, are not only persons of superior qualifications, as determined by examination, but also possess sufficient culture of mind to interest their pupils with new thoughts, ideas and suggestions, through a series of years, and receive salaries adequate to their work. Such discipline is improbable, if not impossible, to those who enter the field of teaching at the early age of fourteen or fifteen years, as is a common occurrence. In view of this idea, I have granted licenses to only two persons under sixteen years of age, one of these persons to act as assistant to a teacher of successful experience, the other being the only applicant who ever passed 100 per cent. of my examination.

In thus expressing my opinion as to the necessary qualifications of teachers, it is far from my intention to discourage any of the many faithful teachers who are endeavoring to do a good work, but rather to encourage all to attain higher qualifications, knowing that such a course would result to their own benefit as well as that of their pupils. I trust, therefore, that those commissioners who have decided to exact a more rigid test of qualifications during the next year will be sustained by the opinions of teachers.

In many districts I find the boundaries very imperfectly recorded, while in some there seems to be an entire absence of such records. This leads to much difficulty, often, in laying and collecting taxes. I, therefore, believe some provision should be made by the Department of Public Instruction, by which a complete record of the boundaries of all districts could be ascertained.

I do not concur in the opinion of those school commissioners, who,

in their annual reports, have recommended the repeal of that portion of the statute providing appropriations for the benefit of libraries, but, on the contrary, believe these appropriations should be largely increased, and all trustees positively required to invest the same for the benefit of libraries exclusively. The great want of rural districts is a source of more general information. This want can be supplied in no better way than by providing a good library for every district of the State, filled with books containing practical, useful information, instead of the almost worthless volumes usually found where there may exist a library. In regard to the apportionment of public money for other purposes, I know of no important desirable change.

Of the 103 school buildings in this commissioner's district, 101 are frame, 1 stone, and 1 brick (Cobleskill Union). The majority of these are in an average condition as you will see from the accompanying table, a portion needing repairs, while in a few localities new buildings are necessary. The greatest criticism I have to make in this direction is in reference to buildings situated in some of the village districts, where two teachers are employed, while the building contains but a single recitation room, inadequate and totally unfit to accommodate the large number of pupils who attend school.

The subject of commodious, well arranged and well ventilated school rooms was fully discussed by the conductors of our last institute on "trustees' day," which I trust will lead school officers to more thought on the subject, and cause them to make provision for proper and needed improvements.

All the schools are common except the Cobleskill union free school, situated in this village, which is in a very prosperous condition. The present faculty consists of 7 teachers; a principal, who has had twelve years' experience in public schools; three assistants, holding normal diplomas, two licensed by the State Department, and one by local authorities. During the present term, I am informed, the register shows the largest attendance since the school was organized under the union free school act, and every effort is being put forth by the board of education, faculty and patrons, to make it one of the best schools of the kind in the State.

To your inquiry as to the benefit of normal schools and public sentiment concerning them, I most emphatically reply that, in my opinion, they are doing a most excellent and efficient work in contributing directly and indirectly to a cause of education, to a degree exceeding, perhaps, that of any other agency. There is, nevertheless, a single criticism made by some in reference to them—that too many are educated at these schools who never follow the profession of teaching, or else do not pursue it beyond a limited period. Remove the cause for this criticism, and public sentiment will fully indorse and sustain them. This may possibly be accomplished by requiring all students who attend such schools to pay full tuition,

with the proviso that the same shall be refunded at the expiration of a stated period of service in the profession. Granting the defect, they should not be abolished, for as the cause of education is paramount to every interest, it is necessary that our educators themselves be properly and thoroughly educated—for as the teachers so are the schools. It is the opinion of those who have the supervision of schools, in both city and country, that the majority of our most successful teachers are graduates of normal schools. The reason lies in the fact that in teaching, as in other professions, a thorough preparation is requisite to success; and the distinctive aim of these schools is, first to qualify, and then to train in methods by which the whole work of the recitation room is reduced to a perfect system.

The teachers' institute for the year 1880 was held at Cobleskill during the week beginning October 25, with an attendance of 238 teachers. The exercises were conducted by Professors Lantry and Northam, two of the oldest instructors in the State, who so thoroughly presented their work, during the whole session, that all present were unanimous in pronouncing it one of the most interesting and beneficial gatherings ever held in the county. The instruction was, in all respects, superior, exemplifying the most improved methods, and rendering much practical information. The respective lectures delivered during the evening sessions, by Professors Lantry, Northam and Sias, enlivened by the music so well rendered by the Cobleskill choral society, were a source of great pleasure to all present. These gatherings from year to year are doubtless productive of much good, and meet the approval of nearly all classes.

An experience of five years as school commissioner has led me to the conclusion that the State, through the Department of Public Instruction, should assume complete control of our common schools; first, by educating all teachers of those schools; second, by regulating their salaries and levying a tax upon the State for the payment of the same. Such a course would obviate cheap teachers and cheap schools, so common at present. The defects of the present system of common schools, which results as above stated, are beyond the jurisdiction of the Department of Public Instruction, which, under its present able administration, is doing all in its power to promote our educational interests. The Legislature alone possesses that power, and I believe and trust the time is not distant when the law making power will see the necessity of such action, and come to the relief of common schools. Until such action shall have been taken, I believe the office of school commissioner should be filled by an appointment from the Superintendent of Public Instruction, who should prescribe a uniform course of examinations to be adopted or followed by all commissioners, in a manner similar to that adopted by the Regents, thus removing said office from all political connection.

In concluding this report, I desire to thank all connected with the Department of Public Instruction who have so generously responded to all requests and kindly assisted by their advice.

Yours very respectfully,

GEO. D. OSTROM,

School Commissioner.

COBLESKILL, *December* 15, 1880.

CARLISLE.

Number of district.	NAMES OF TRUSTEES.	Names of Teachers.	Number of weeks.	Pupils registered.	Pupils present.	Average attendance.	Teachers boarded.	Building needs repairs.	Wages.
1	J. Baumes, Geo. Gardner, A. Bradt	Edwin Carr	12	48	39	41	..	1	\$6 25
2	Geo. Ottman, S. Young, M. Burhans ..	Carrie McNeil	4	16	13	14	..	..	3 13
3	Joint—school-house out of county.								
4	C. Prosser, Peter Race, Alvin Hoyt	Henry Borst	7	41	27	35	..	..	3 13
5	M. McNeil	C. H. McLenathan	9	53	39	41	..	..	8 75
6	Josiah Gordon	May F. Dusenbury	8	36	30	33	..	1	4 50
7	Peter Empie	Mary C. Gordon	7	44	29	30	..	..	4 75
8	Ira McDonald	Della Crandall	5	19	14	15	..	1	5 00
9	Joint—school-house out of county.								
10	" " " "								
11	A. H. Lawyer	Cyrus Burhans	3	29	20	26	..	..	4 50
12	Chester Ottman	Lottie Roscoe	3	21	18	20	..	1	3 75

COBLESKILL.

Cobleskill Union School	C. E. Boss, Principal of Academic Department...	..	..	..	..	..	..	..	20 00
Board of Education:	Miss E. Titus, Assistant ..	..	..	..	..	..	..	..	10 00
James Lawyer	M. E. Kling, Principal of Intermediate Departm't.	..	..	..	..	..	..	..	10 00
A. Baker	Mary McHench, Assistant.	..	..	..	..	..	..	..	8 00
C. H. Shaver	Almeda Brown, Principal of Primary Department.	5	380	..	..	..	..	..	10 00
	Mary Braman, 1st Assistant	..	..	..	..	..	..	..	8 00
	Amelia Brown, 2d "	..	..	..	..	..	..	..	6 00
Joshua Hogan	Chauncy G. Bouck	5	34	15	25	1	1	1	4 00
B. Wetsell, J. H. Young, J. C. Weiting.	Madison Young	3	19	13	16	..	..	..	5 00
Marcus Engle	Alice Van Valkenburgh ..	3	36	18	22	..	..	..	4 50
James Chesebro	Mary Myers	4	47	37	42	..	..	..	6 25
W. M. Barner, L. Glazier, H. Robinson.	E. H. Cook	5	50	22	21	1	1	1	5 00
Conrad Rickard	Ella Ruland	5	36	32	32	1	1	1	3 50
Charles Hallenbeck, H. Tator	Ella Brown	6	18	13	11	1	1	1	1 75
John Mickle	Ernest Cross	5	29	13	19	1	1	1	2 50

FULTON.

Number of district.	NAMES OF TRUSTEES.	Names of teachers.	Number of weeks.	Pupils registered.	Pupils present.	Average attendance.	Teachers boarded.	Building needs repairs.	Wages.
1	William Rosman.....	Harvey Van Voris.....	..	59	..	35	..	1	\$6 00
2	Josiah Mann.....	{ Mattie Haines.....	6	66	42	50	..	1	4 00
3	A. C. Shaver.....	{ Bertha Mann.....	..	..	..	..	..	..	2 00
4	John J. Jeh.....	{ Lottie Zeh.....	14	23	6	13	1	1	2 00
5	Daniel Joslyn.....	{ C. E. Markham.....	9	45	30	30	1	..	8 75
6		{ Aurelia Waldron.....	..	..	..	..	..	..	2 00
7	Philip Zeh.....	Lillie Mann.....	10	16	11	11	1	1	2 00
8	P. H. Simmons.....	Eva Teller.....	12	19	15	14	1	1	2 00
9	J. W. Pollock.....	Mira Felter.....	11	32	15	20	..	1	3 50
10	A. Mann.....	Nora Beare.....	4	18	16	15	1	1	2 00
11	W. H. Freemyer.....	D. B. Hanos.....	4	21	17	13	1	1	2 50
12	Andrew Loveland.....	Mary Smith.....	6	18	18	16	1	..	1 75
13		Sarah Levalley.....	11	20	8	12	1	1	1 88
14	J. M. Cornell.....	Ella Avery.....	11	24	12	13	1	1	2 00

15	E. L. Hanes	M. B. Sternburgh.....	9	75	49	35	1	..	6 50
16	P. E. M. Shaver	Ada Pollock.....	12	37	23	22	1	1	2 00
17	Charles Rosman.....	Marcia Rosman.....	8	10	6	7	1	1	2 00

JEFFERSON.

1	Joint with Delaware county.								
2	Isaac Weidman.....	Mrs. E. Gallup.....	7	11	6	6	1	..	2 00
3									
4	George Houghtaling.....	Martha Baker.....	6	6	4	5	1	1	2 00
5	George B. Minor	Alice Goodenough.....	4	22	20	20	1	..	2 00
6	Charles Baird.....	Carrie M. Lines	4	11	10	10	1	1	2 00
7	Joint with Delaware county.								
8	Joint with Delaware county.								
9									
10	George W. Danforth.....	Hattie Atchinson.....	4	24	24	21	1	..	2 75
11	Jacob Van Buren	Mary Bedford.....	4	25	17	18	1	..	2 00
12	David Picket	Marion Pierce.....	8	35	13	20	1	..	2 50
13	J. D. Hubbard.....	{ P. J. Hennes.....	8	55	41	40	1	..	6 50
14	Ezra Nichols.....	{ Mary Steele.....	..	..	..	..	..	..	2 25
15	George Churchill.....	Ada M. Taylor.....	7	19	17	15	1	..	2 50
16	Hosea Spoor	Julia E. Gibbs.....	4	18	19	10	..	..	3 50
		Susie Clay.....	7	4	2	3	1	1	2 00

RICHMONDVILLE.

Number of district.	NAMES OF TRUSTEES.	Names of teachers.	Number of weeks.	Pupils registered.	Pupils present.	Average attendance.	Teachers boarded.	Building needs repairs.	Wages.
1	Warren Ostrom	J. D. Hogarboom	3	11	11	9	1	1	\$2 50
2	W. M. Schoolcraft	Ida Fuller	5	25	15	20	1	1	3 00
3	J. G. Wayman, W. A. Hoose, P. Foland	Libbie Frazier	6	23	15	17	1	1	2 00
4	Ira Frazier	Emma Hard	2	16	14	13	1	1	2 00
5	Enoch Brown	May Hasledon	2	22	12	20	1	1	2 00
6	John Babcock	Ophelia Silvernail ..	11	18	13	14	1	..	2 50
7	W. Tingle, Tobias Mickle, E. Sitzner ..	Alice Young	6	32	23	26	1	1	2 00
8	A. B. Larkin	Anna Hasledon	5	44	35	39	..	..	2 25
9	Daniel Armlin	Lucy Wharton	8	22	14	8	1	1	2 25
10	Wm. J. Holmes	Mattie L. Spaulding	11	21	12	14	1	1	2 00
11	Hiram Schermerhorn	J. H. Mann, Prin.	9	65	45	49	..	..	11 25
12	Charles Isham	J. B. Boorn } Primary De- Edna Mann } partment.. Maria Orelup	..	39	30	20	..	..	7 50
			5	36	32	31	1	1	2 38

SEWARD.

1	A. Pierce, C. Crocker, M. Myers	Oceana Hasledon	4	16	12	13	1	1	1 88
2	L. M. Markle, Menzo Markle, G. France	Alex. Lehman	8	28	22	20	..	..	4 50
3	M. Hogan	Jennie Hammond	6	16	10	12	1	1	2 00
4	H. Somers, H. Esmay, Ira Somers	Cora M. Campbell	7	15	9	11	1	1	1 75
5	John G. Empie	Libbie Brown	4	17	15	15	1	1	2 00
6	Menzo Young	Kate Van Schaick	3	9	7	7	..	..	6 00
7	Ira Saddlemire	O. E. Somers	8	15	14	14	1	1	2 75
8	Joel Morgan	H. Southworth	8	33	28	27	..	1	6 25
9	Alanson Morgan	Minnie Stevens	8	7	3	4	1	1	1 50
10	G. R. Abrams, M. Tillapaugh, H. Hynds	Edward McGuire	12	65	44	46	..	..	7 50
11	Joint with Otsego county								
12	Josiah Bellinger	P. W. Becker	3	24	24	23	..	1	7 25

SHARON.

Number of districts.	NAMES OF TRUSTEES.	Names of Teachers.	Number of weeks.	Pupils registered.	Pupils present.	Average attendance.	Teachers boarded.	Building needs repairs.	Wages.
1	D. S. Fraats.....	Verlista Shaul.....	11	17	9	12	..	1	\$3 75
2	E. Resigue, Seth Parsons, M. Whitbeck.	Libbie Parsons.....	11	27	19	18	..	1	4 50
3	Theodore Smith.....	Mary Barnes.....	..	34	..	20	..	..	3 75
4	H. M. Shilby.....	M. Somers.....	12	25	14	15	..	1	5 00
5	J. Ottman.....	Effie M. Fraats.....	11	19	10	11	1	..	3 00
6	C. B. Fethers.....	James W. Harper.....	8	38	22	25	..	..	10 00
7	M. Hanson.....	Mary Van Valkenburgh...	8	26	20	19	..	1	7 00
8	A. R. Baxter.....	John A. Peters.....	11	33	15	24	..	..	5 00
9									
10	John Moak.....	Wilson Borst.....	..	80	..	54	..	1	8 00
11	Joint—school-house out of county.								
12	Adam Judson.....	Lena Collins.....	12	9	8	6	..	..	4 00
13	Wm. Kilts.....	Maggie E. Seeley.....	7	41	39	37	..	..	6 00
14	No summer term—28 weeks taught during winter.								
15	Jeremiah Ottman.....	Libbie Hutton.....	21	22	13	14	..	..	5 63
17	Daniel Loucke, Daniel Moulton.....	Mrs. J. H. Van Schaick...	7	45	36	34	..	1	6 35

SUMMIT.

1	F. P. Beard.....	6	30	25	20	1	6 50
2	D. A. Rider	12	10	6	7	..	2 25
3	Joint with Otsego county.....						
4	Joseph Multer.....	12	20	19	13	1	2 25
5	Not in session when district was visited.						
6	Henry Coon.....	8	17	7	14	1	2 00
7							
8							
9	H. Spaulding.....	8	4	3	2	..	2 13
10	James Lape.....	6	13	13	12	1	2 00
11	George Hicks	8	21	11	12	1	2 13
12	Henry Palmer	9	20	11	15	1	2 00
13	Abijah Brazee.....	9	11	8	6	1	2 25
14	H. Rifenbark	12	24	13	15	..	3 50
15	M. Van Buren	8	11	5	5	1	2 00
16	Closed when district was visited.....						
17	P. H. Payne	17	30	15	16	..	2 50
18							

GEORGE D. OSTROM,
School Commissioner.

SCHUYLER COUNTY.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR. — In response to your circular of July 20, 1880, I have the honor of submitting the following special report of the condition of schools and educational work in Schuyler county.

In offering this, my first report on the condition of education in this district, I labor under the disadvantage of a short experience in the duties attaching to the office of school commissioner. Having received my appointment on the 24th of February last, my opportunities for gathering full information are confined to the summer schools alone.

I have visited, during the summer, one hundred and twenty-three school districts, employing one hundred and thirty-nine teachers. Four schools had closed before I had time to reach them. A large part of the schools I found in charge of young teachers with little or no previous experience, and consequently doing but very little effective work toward properly training the young minds placed under their care. The lack of experience is not the only fault, but a low degree of literary qualifications and general information as well, mark the absence of that tone and polish which rounds out and finishes up the school properly guided and trained by a fully competent teacher.

Quite a large number of those of more extended experience were doing very effective service in leading their pupils up to the point of how to think, how to investigate for themselves, and to search for the reason, if a reason there be. Only by this character of instruction and guidance on the part of the teacher, can the boys and girls of our common schools become self-reliant and sound in the elements of an education. I have endeavored, as far as I was able in the limited time allotted to each school, to offer such suggestions to the teachers as I thought necessary, and words of advice and encouragement to the children, especially advising them with reference to their moral education, which, coupled with proper intellectual attainments, will result in the useful and honored citizen.

EXAMINATION OF TEACHERS.

I have licensed one hundred and forty applicants, mostly upon the basis of a written examination, in spelling, English grammar, mathematical, political and physical geography, United States history, general history, arithmetic and civil government. In preparing the questions for the examination of teachers, I have studiously avoided all catch questions, but so framed that the proper answers thereto would evince a knowledge of the principles.

I have required fifty per cent. of correct answers for a third grade license, sixty-five for a second grade, and eighty-five for a first grade: but in no case have I granted higher than a third grade license to an applicant without experience.

METHODS OF EXAMINING TEACHERS.

Accepting your invitation for suggestions as to improvements that may be made in the methods now employed in examining and licensing teachers, I would say that my opinion of the present mode is very unfavorable. In the first place there is no distinct standard erected in the State, outside the State Department and the normal schools, by which the teacher of the Empire State can be correctly measured. Of the one hundred and twelve school commissioners in the State, in all probability no two will erect the same standard; consequently, since the stream never rises higher than the fountain, or the average teacher seldom attempts to pass beyond requirements, the literary qualifications of the pedagogue in this State must be a continually varying quantity, and the cause of education in the common schools is liable to the same degree of fluctuation as the years go by. I am led to these conclusions by comparison with adjoining commissioners and previous ones in my own district. The desire to obtain political favors by granting licenses to those who are not strictly qualified for the profession is an evil that, under the present system, may attach to some to whom the tenure of office may be of vastly greater importance than the cause of education, which they are under the strongest obligations to guard and cherish during their entire term. To avoid all these, allow me to suggest that all questions which shall be proposed to applicants for licenses in the State of New York shall proceed, either from the Regents or the State Department; that they shall be of three grades, and be issued semi-annually to all the commissioners in the State, on the same day, in sealed packages, to be opened by said commissioners in the presence of the class on the day set apart for examination; that licenses shall continue in force but one year; that the answers to questions shall be treated in the same manner as they are now treated in Regents' examinations in the State; that certificates be given by the same authority that issues the questions; that the standard of qualification be raised sufficiently high, so that the boy and girl of the meanest neighborhood in the by-road regions of our State can be properly taught in the elements that tend to make citizenship a success. The rural citizen of to-day mainly received his so-called education from the common school, and how much knowledge of what constitutes citizenship, his relations to the State and nation, the organization and machinery of government, does this graduate of the common school possess? But a very small part of what is properly due him from the money expended for his education, and the good intent of those that have been fostering the interests of public education in our State. But give to the common schools a properly trained and enlightened class of teachers, and the generation of men and women that shall come out from those schools will be a blessing to themselves and an honor to the State.

APPORTIONMENT OF PUBLIC MONIES.

There is an evil that I have discovered in talking with trustees and patrons of many of the schools of this county. I find a chronic impression, that if the school is small, anybody is good enough to teach it. And this generally means that the applicant who offers to teach for the least compensation, nearly regardless of qualifications, will be the acceptable one in that district. The people fear the tax gatherer, consequently the public money must foot the bill for teachers' wages during the twenty-eight weeks, if possible. It seems very easy to trace the connection between this policy constantly pursued on the part of a school district, and the condition of education emanating from a school thus persistently treated. I think I can readily discover the difference in the general character of the people of a neighborhood who treat their school interests in this manner, and one where a more liberal policy is displayed toward the educational welfare of their children. Thus we see that a penurious people, and a trustee elected in the same interest, can successfully block the wheels of popular education as at present organized. I would suggest that, instead of raising the balance for the payment of teachers' wages from the taxable property of the district as at present, an equitable sum be raised, either in each town or county, which shall be sufficient, when added to the moneys now raised by State tax for educational purposes, to pay duly qualified teachers a proper compensation for their services. That said moneys be collected at the same time the State tax is gathered, and apportioned to the several districts on the basis of total attendance alone. Under this arrangement, I am of the opinion that the districts that have been satisfied with the poorest teachers because they cost the least, under the present system, would be anxious applicants for the best under the new, thus tending to elevate educational influences among that class of districts.

INSTITUTES.

I regard the teachers' institute as an indispensable adjunct to the educational machinery of the State, if all the teachers of the county could be in attendance during the entire session. There being no compulsory force to bring them in, a large share of those who teach during some portion of the year, decide not to attend, for reasons of a personal nature. Hence the good results of the institute do not reach all those for whose benefit they are organized. There are so many of the young teachers who have received most, if not all, their education at the district school, where the best methods are not always adopted, that there seems a necessity for providing instruction of the character afforded by a properly organized and conducted institute, so that these young teachers may learn how, as soon as possible, to train, in a proper manner, the young minds committed to their care. It would seem but just to the interests of education, if the power that provides the means

for the benefit of those who need it, should make it compulsory upon all teachers to attend when institutes are organized in their districts.

NORMAL SCHOOLS.

As far as I have been able to gather impressions of the people in this district, regarding the efficiency of the normal schools for accomplishing the work for which they were designed when established, I find no dissenting voice. But there is a desire on the part of parents who intend their children for the business of teaching, to enter them for the course prescribed at the normal schools. There are, however, but few normal graduates at present in this county. The continued demand of the west for our State normal graduates, at salaries larger than we are willing to pay, keeps the influence of the normal schools from being felt in the common schools of the State as it would be if we were willing to pay the prices the west will give, and keep our best teachers at home. The fact seems plain, that the State of New York is gratuitously educating a band of teachers who are continually drifting from the Empire State to the prairies of the west.

COOK ACADEMY.

This institution, located in the village of Havana, in this county, has ample accommodations for a large number of students, and is supplied with the necessary apparatus and appliances for a first-class school. It is under the supervision of Professor A. C. Hill, assisted by an able corps of instructors. It is at present in a very flourishing condition. The debt which had rested upon it so long and so heavily is at last liquidated, and last commencement was a day of great rejoicing on the part of the friends of the academy, when it was announced that the last dollar of indebtedness had been provided for and funds raised to put the property in good repair. From a personal examination of many of the students, I find that they do credit to the institution that has thus honored them.

SCHOOL SUPERVISION.

I am strongly impressed with the necessity for as complete a system of school supervision as it is possible to establish, and that the relations between commissioners and teachers shall be closer than they are or can be under the present system. To accomplish these ends, I deem it advisable that commissioners be compelled to visit all the schools of their districts at least once in each term. That they shall be empowered to call the teachers of each town together once in each month during the time schools are in session, for a drill in methods, for advice in matters pertaining to school difficulties, and for an interchange of opinion with reference to school topics. Also, to hold two general conventions annually, em-

bracing all the teachers of the county, for the purpose of general consultation as to methods and means for accomplishing educational results.

Thanking the Department for courtesies extended,

I am, respectfully yours,

A. C. HUFF,

School Commissioner.

WATKINS, *December 15, 1880.*

SENECA COUNTY.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—I herewith forward my statistical report for the school commissioner district of the county of Seneca; and, in addition thereto, would respectfully report as follows under the several heads required by the Department.

This commissioner district comprises ten towns, and is divided into 106 school districts, ninety-two of which are wholly within the county, and fourteen of which are joint. Of the fourteen joint districts, four have school-houses in my commissioner district, and, consequently, together with the ninety-two schools in the county, come under my especial supervision.

Four of the districts of the county are union free school districts, organized as follows: District No. 1, Waterloo, and district No. 1, Seneca Falls, by special act of the Legislature; district No. 1, Ovid, and district No. 14, Covert, under the general law.

Of the remaining districts, No. 2, of Waterloo, No. 2, of Fayette, and No. 6, of Lodi, village schools, and employing two or more teachers each, could, in my opinion, be greatly increased in efficiency if also organized as union free schools.

I have formally visited every school in my commissioner district at least once during the year, the great majority of them twice, and have also made many informal visits to schools where I deemed it necessary, of which I kept no record. The whole number of visits recorded is 182. From these visits and from information obtained in the several neighborhoods, from people directly or indirectly interested in the schools, I am prepared to report that the quality of work done by both teachers and pupils has much improved during the past year, and that more interest is taken in the schools by patrons and tax payers of the several districts than formerly. This interest is evidenced particularly by an unusual demand for teachers of established reputation and capability, at fair wages.

In this connection, I wish to report that the greatest hindrance I have experienced in the work of raising the standard of our schools is the inability to secure a sufficient number of really competent

and skillful teachers to fill the 136 positions in the county, and the consequent necessity of being compelled to license a number of teachers whose work is not up to the standard desired.

I found, in my first series of visits, that in the rural schools, especially, the common mistake was made of teaching too much arithmetic and too little of any thing else; the result being that many pupils of really fine mathematical acquirements could not compose with any degree of accuracy, were deficient in reading, spelling, the use of capital letters, and elementary punctuation, and have no further idea of geography than the most superficial text-book training.

In order to remedy this in part, I have taken up some one of these points, and have made it a specialty, at each of my series of visits to the schools of the county, and have also endeavored to make some one class of instruction, in which I found teachers deficient, prominent in institute work.

During my term of office, our institutes have been very largely attended, and have done the educational interests of the county much good. I have especially noticed the effect of their work, in my visits of the past summer, in the great improvement in teaching primary reading and primary geography, and in the greater attention paid to the health of pupils by a majority of teachers.

Public opinion is divided as to the benefits derived from these institutes, and while I consider them indispensable until something better is made to take their place, in my opinion, the practical results obtained must largely depend upon the direction given, the instruction imparted in them, by the several commissioners, it being their duty to know and understand the wants of their own districts better than the instructors sent by the Department can know them. I also am of the opinion that the Department, and our educational interests, generally, would be the gainer, were the best of our local teachers employed in institute work in their several localities. There is a growing sentiment among teachers, and among the patrons of the schools, also, that a four weeks' normal class in each county or commissioner district would be preferable to the present system of institutes, and I am inclined to believe that better results in proportion to the money expended could be obtained by such classes.

There are at present among the 161 persons licensed to teach in this county, 138 licensed by me, 17 holding State certificates, and six holding normal school diplomas. None of the State certificates were obtained under the present system of examination, all having been granted under the old system of recommendation.

I have mainly pursued the system of written examination, and have established the rule of attaching a printed slip to each certificate, on which is given the per cent. passed upon examination by the teacher.

I have, also, as far as practicable, established the rule that all applicants shall appear at the public examinations, and submit to the same test, experience having taught me that in nine cases out of ten the applicant for private examination is poorly qualified. I have

also required *every* teacher in the common schools to pass examination and to have the result placed upon record, which record I shall pass over to my successor in office.

I refuse to indorse certificates granted by other commissioners, and request such commissioners as I meet to refuse to indorse those granted by me. The result of these rules has been to exclude unqualified teachers in number equal to those now licensed, and to incite those holding certificates to greater efforts, a large number of such appearing at each examination in the endeavor to better the per cent. passed by them, although the time for which their certificates have been granted has not expired.

In regard to the apportionment of the public moneys, I believe the present system to be better than any other plan I am able to suggest. The district quota protects weak districts, the apportionment in proportion to the number of children of school age secures to larger districts their legitimate preponderance of such moneys, while that in proportion to average attendance is a proper incentive for the district to sustain the school.

The State normal schools are not generally regarded with favor, and, in my judgment, they are not accomplishing the work for which they were designed, rather being made an advance school to educate without cost the children of people abundantly able to educate their own, instead of furnishing skilled teachers for our common schools.

It would be well, as long as the normal system as at present administered exists, to demand of applicants for admission into the normal schools a certain standard of requirements at least equal to such as would be required for the lower grades of teachers' certificates, and that the work of the normal be confined to instruction in methods of teaching. This would reduce the number of normal schools and their present expense, and the money thus saved might be applied to county normal classes which would be within the reach of the poorer teachers, many of whom are entirely unable to pay the expense of board alone during a normal course.

When it is remembered that the average salary paid lady teachers in our common schools is about five and one-half dollars per week, that from this amount they must pay board, expenses of attending institutes, etc., and that the majority of them do not obtain employment for more than sixteen weeks during the year, it will be readily understood how slight is the prospect of their ever being able to secure the advantage of the present normal course; while it is an undisputed fact that their limited means keep them in the teachers' ranks longer than any other class.

I should not be doing justice to our educational work did I not call attention to the advanced schools of our county.

The Waterloo union school, Prof. J. S. Boughton, principal, is among the best schools of its class in this section. The liberality of the district has provided it with a fine equipment of library and

apparatus, while the ability of its principal and the efficient aid rendered by his corps of teachers are shown by the proficiency of the pupils in their several studies and in their advanced thought, demonstrating that the tendency of the school has been to *educate* in the full sense of the word.

The Seneca Falls union free school, Prof. E. B. Fancher, principal, is comparatively young, but already shows vigorous and healthy growth. Organized a few years ago from a somewhat miscellaneous lot of village schools consolidated into one district, the energy of its local board, and the hearty co-operation of the citizens, have placed it far up in the rank of graded schools, and I prophesy for it a brilliant future.

The Ovid union school, Prof. Wm. L. Hyde, principal, is in a flourishing condition, and is a source of much pride to the citizens of that village. I know of no other village of its size having a school that is its equal.

Before closing, I wish to report that I have commenced a new work in this county, viz.: That of sending written examinations to the advanced classes of the common schools.

The first of the series was given at the close of last summer term, and resulted far better than had been my most sanguine hopes for its success.

I receive about sixteen hundred papers from the different schools, the greater number of which show the required seventy-five per cent. The only drawback that I have so far encountered is the immense amount of extra work thrown upon the commissioners by this method. I shall, however, try the same again this winter, and shall then be able to analyze the result closer by comparison.

In closing, allow me to tender my sincere thanks to the Department for the courtesy shown me by it, and for the prompt and business-like manner in which all communications have been answered.

All of which is respectfully submitted.

ISAAC H. STOUT,

School Commissioner.

FARMER VILLAGE, *December 15, 1880.*

STEUBEN COUNTY—FIRST DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—From the tone of a circular received from the Department, judging that it would be agreeable to the author, I most respectfully submit the following special report :

This commissioner district contains an area of 700 square miles, with a surface so inconveniently uneven, that it is a long and unin-

viting journey, even in the summer, to make the tour of the 161 school-houses that promiscuously dot its *terra firma*; but in the winter many of the more elevated houses become "snow-bound," and then the journey is exceedingly long and extremely uninviting. Impassable hills, too, and unapproachable gorges, often make it advisable to travel a long, roundabout way of several miles to get from one school-house to another, which, had the country been smoothed over, could be reached in a few minutes. Hence, you will see that the temptation to visit each school frequently is more easily resisted than would be the case were they more conveniently located. However, I have visited every school, with the exception of two or three, at least once, and nearly all of them twice, during the last school year; having made 292 visits.

From those visits, had I failed to notice any thing worthy of commendation, nor observed any thing deserving criticism, my time and pains would both have been poorly paid. It is not my purpose in this report to compliment what I found good, nor to "white-wash" what appeared bad; though by so doing I might be considered a better fellow, and also escape many uncoveted "blessings." The thoughtless school-boy of to-day is the reflecting business man of to-morrow; and if true to his own conviction, when considering "what might have been," he will dance on the graves of the memories of flattering school teachers and school officers with savage delight. The memory of time wasted in school, and unpractical and unthorough instruction, are too painful to me to wish to impose upon the school children of to-day that kind of instruction. Therefore, I shall condemn what appears to me to be inefficient in our school system, and, so far as I am able, suggest plans for its amelioration. I find that most teachers lack either thoroughness, energy, system, or discipline; or, to "boil it down," few have a heart in the work. But how can one wed a profession (?) which pays on an average but \$5 a week with which to board and clothe himself, and with the beautiful vision of old age and an almshouse in the future? To be thoroughly in earnest under such circumstances requires the spirit of a missionary and the desire to be eaten up by the urchins before old age catches him. The prevailing idea with trustees, in engaging a teacher, seems to be to hire as cheap a teacher as possible, regardless of the teacher's qualification, and the teacher, as a matter of logical reasoning, adopts the principle, poor pay, poor teach. Many of the districts do not raise a cent of tax for teachers' wages, and I have known trustees to forfeit part of their public money rather than continue the school beyond the twenty-eight weeks, or pay the teacher reasonable wages. I am of the opinion that teachers' wages, like the wages of other laborers and the price of commodities, are subject to the principle of demand and supply, and that the school commissioner is partly responsible for their reduction. There are usually several applicants for each school, and the trustee lets the school to the lowest bidder. Now, the nearer the number of persons licensed to teach corresponds to the number

of teachers the schools demand at the same time, the less chance there is for under bidding. This commissioner district requires 196 teachers to teach its schools; 359 different teachers have taught during some part of the year; consequently there is a reserve force almost equal in number to those engaged in actual service. Notwithstanding this excess of teachers, there has been a steady decrease in the number licensed since I have been in office. During the fall, I only gave certificates to 12 inexperienced teachers.

My plan is to license none under eighteen years of age, and only such as possess a good education in the common branches. The practice of granting licenses "at wholesale" has a tendency to keep inexperienced teachers in the schools all the time, and at such low pay that they have no idea of continuing in the business only until "something better turns up."

The greatest hindrance to thorough, systematic teaching, I believe to be want of classification. From that want one-half of the pupils' time in school is wasted, and on leaving school, his knowledge of that which he has pretended to study is very limited. When we consider that the common school is the academy and the university to the large majority of youth, it is a wonder that so little interest is taken in the common school. In this commissioner district, the number of recitations on an average, which each teacher hears daily, is twenty-seven. Dividing six hours, less twenty minutes, the time for two recesses, by twenty-seven, the number of recitations, and we have about twelve minutes average time for each class.

Now it is impossible for a teacher to do justice to a school with such limited time in which to conduct recitations. But whose fault is it that there is such a multiplicity of classes? As a general thing the teacher. He wishes to please both pupils and patrons; and to realize that desire he often sacrifices his better judgment. There are usually in school some large boys who study nothing but arithmetic; they are able to advance faster than those who have more studies, so the teacher forms an extra class for them. Some, by irregular attendance, get behind their classes, and the teacher not wishing to have them go over matter they do not understand, nor desiring to retard the remainder of the class in their progress, makes another class. Others, from the advice of friends or at the suggestion of the teacher, who has a desire to exhibit his learning in a particular study, take up some academic branch. Hence still another class. Not a few come to school with text-books of different authorship from those used in the school. The teacher, rather than reject those books and take the chances of displeasing the pupil or his parents, prefers to disregard the law of the State, and also add another recitation to his already crowded programme. From those, as well as from other causes, the teacher multiplies his classes and divides his power to do justice to the school. It is the number of recitations, not the number of pupils, which takes up the teachers' time. A large class is as quickly heard as a small one. The average number of reading classes, excluding primer, in this district, is five, with less than five pupils to a class; and it is the practice to

read the story through, though by so doing it infringes on the time of the next recitation.

In arithmetic the average is also five classes to the school, with less than four members to the class; and all other classes have to "run on the wild cat plan" to arithmetic. The want of classification is also greatly felt in another respect.

It is left to the discretion of the child what he shall study. Many attend school for a whole term without studying any thing besides arithmetic. There is some doubt of the propriety in calling some of our schools grammar schools; but there would be none in naming our district schools arithmetic schools. Every other study is sacrificed to arithmetic. Yet the great object in devouring the book seems to be, to get the answer to the "sums." The pupil studies arithmetic from the time he enters school until he leaves school. It is an important study, but there are other branches just as important, and which ought not to be neglected for arithmetic. Three-fourths of the scholars in the schools subject to my visitation are studying arithmetic; one-third pursuing the study of geography, and but one-tenth reciting grammar. Our common schools should give the children a fair education in *all* the common branches, instead of a smattering in one or two of them. The cost to the State would not be any more, and the State ought to demand that the very best results shall come from its investment. *That the pupil shall pursue all the common branches and that he shall attend school.*

In my opinion, the State should establish a grade for common schools, and adopt a course of study. That plan has already been discussed in some localities and even experimented upon with success. But what is needed is that the State take hold of the matter. The benefits of such a grade must be apparent to any one who knows any thing in regard to the unclassification of our schools.

A grade would be the means of uniting the classes, thereby increasing the time for each recitation, and enlarging the teachers' ability to instruct the class. The pupil would be obliged to take up each study in the course, and on graduation he would possess a good common school education, instead of a spattering in one or two studies. The principle of promotion would incite each scholar to do his best and stand well in his classes, that he might pass a satisfactory examination and be raised to a higher grade at the end of the year. It would encourage regular attendance, because by absence one would get behind in his classes and be unable to pass the examination necessary to promotion. It would be the means of continuing the same teacher longer in the same school; the frequent change of whom is a great injury to our schools. It would have a tendency to make the teachers more systematic, thorough, practical in their work. And it would be the means of securing a uniform system of text-books in the schools, which now does not exist.

Experience has taught that the adoption of the graded system in village schools, formerly known as district schools, substantiates all that is claimed will result to our common schools by its adoption.

In regard to the apportionment of public money, I believe that the number of teachers employed, and the average daily attendance of scholars should be the *only* basis for dividing the money. That the district quotas should be distributed as now, and the principal apportionment should be subject to the average attendance. The object of the State in educating the children is for self-protection. The more children who are brought into the schools, and the better they are educated, the more fully is the object of the State realized.

Therefore the money should be distributed in such a way as to get the greatest number of children in school, and educate them. The impression prevails now that a district draws the most, or nearly all, of its money from the number of children of school age living in the district, and most of those living in the different districts, who do not send to school, have no particular interest in the school; not knowing, nor seeming to care whether the children attend school or not. But if the amount of money the district receives depends upon the average daily attendance at school, every tax payer will take an interest in seeing that every child is in school. It is a matter of dollars and cents with him. The apportionment of money in proportion to the number of children of school age residing in the district has no particular merit in it as I can see, and has no tendency to increase the attendance at school. The average daily attendance at school in this district is considerably less than one-half of the number registered; and in many districts it is not one-fourth of those of school age.

The amount of library money apportioned to this district the last year was two hundred and ninety-three dollars and nineteen cents (\$293.19), of which \$224.20 is reported as being paid toward teachers' wages. It needs no comment so far as this district is concerned whether such special apportionment should be longer made.

The alteration of district boundaries, it seems to me, is no part of a school commissioner's work. It more properly belongs to the duties of supervisor. When the commissioner is called upon to make a change in the boundaries of a district he has two sides to deal with, and he is almost sure to make enemies with one side or the other; which injures him in his official capacity. The motives of the applicant in desiring the change are often deceptive and an imposition upon the commissioner.

The supervisor living in the same town of the applicant would have a better opportunity to know whether the change should be made than the school commissioner would have. The records of district boundaries have been altered so much, lost or destroyed, that it is almost impossible to find a correct boundary in any of the clerks' offices.

It may appear presumptuous for an insignificant school commissioner to criticise any of the acts of that august body, the State Legislature, but the more they tinker with the school law, the more complicated and ambiguous they make it. The acts in regard to "compulsory education" and "uniformity of text-books"

are both unpractical and dead-letters; neither of the acts are in force in this district, nor can they be enforced as they now are. Not a single trustee reports the enforcement of the former act, though there are many of the prescribed age in every town who do not attend school at all, and the multiplicity of text-books is as great as ever. That both acts should be so plain and practical that they can be easily enforced, there is not the least doubt. So long as the State taxes itself for the support of schools to decrease pauperism and crime, and so long as education has that effect, those children who do not choose to attend school should be compelled to attend. Since a uniformity of text-books in the schools would add to the efficiency of the schools, there should be no hesitation in the enforcement of such an act.

The teachers' institute has done much toward advancing the standard of education in this district. Those teachers who have attended the institute regularly for the purpose of becoming better teachers must necessarily become such. The great fault is, that they are not generally largely attended. If the attendance were made compulsory, by some means, the result on the schools would be great. I would be in favor of discontinuing teachers' classes in academies and in academic departments of union schools, and have a four weeks' institute, in the summer, during vacations. At the close of the institute have an examination conducted by the instructors and the commissioners, on the work done at the institute. That to be the only examination held for license to teach winter schools. The general impression concerning institutes is not favorable to them. It is because the parties expressing themselves on that subject know very little about them. The time was when the institute invited criticism. Justice demands that that criticism should give place to commendation. The last institute conducted in this county, with Professors Kennedy and Lantry as instructors, was a success. The work was practical and systematic. Just what we need for our common schools.

I am emphatically a friend to the normal schools. Some of the best teachers of my acquaintance are normal graduates. I do not meet many of those teachers, but such as I do meet are doing good work. Teaching is, or should be, a profession as much as the practice of theology, medicine or law is, and if it is necessary to have special schools for those professions, it is for that of teaching also. If it is for the interest of the State to educate its children, it is also for its interest to see that teachers are well qualified. I wish that there were more normal teachers in this district.

Believing that this report is already sufficiently lengthy to satisfy your urgent request, I will not weary your patience longer by extending it further.

Very respectfully yours,

HORATIO GUINNIP,

School Commissioner.

HAMMONDSPORT, November 26, 1880.

STEUBEN COUNTY — SECOND DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.— In compliance with your requirement, I submit the following :

My district comprises 19 towns, which are divided into 219 school districts, 212 having school-houses in this county.

There are 7 union schools, viz.: No. 1, Addison, in which 7 teachers are employed ; No. 2, Campbell, 4 teachers ; No. 1, Erwin, 4 ; No. 1, Woodhull, 3 ; No. 5, Troupsburgh, 2 ; No. 9, Corning, and 7, Hornellsville, are organized by special act of the Legislature, Corning employing 18 and Hornellsville 24 teachers. Academic departments are sustained in all but Campbell and Troupsburgh. Of the common school districts that employ more than one teacher, No. 1, Canisteo, employs 6 ; No. 2, Greenwood, 3 ; No. 3, Canisteo, 2 ; No. 3, Campbell, 2 ; No. 6, Erwin, 2 ; No. 2, Erwin, 2 ; No. 13, Corning, 2 ; No. 6, Cameron, 2. First-class schools are maintained in all of these from 30 to 40 weeks in the year.

The remaining 197 districts employ but one teacher, except No. 2, Lindley, which has two branch schools, and No. 4, Lindley, and No. 7, Corning, each one.

The only change in districts, during the year, is the formation of No. 7, Erwin.

Since October 1, No. 10, Campbell, has been formed and Nos. 11 and 3, Cameron, consolidated.

There is a marked improvement in school buildings, several having been repaired and reseated ; and can probably report next year several new buildings now contemplated, some of them already commenced.

The number of teachers has for some years been decreasing, while the quality has very much improved. Those who hold third grade certificates now are better qualified as a class than second grade teachers were four years ago. A large majority of our teachers attend the union schools and the better class of district schools to prepare for their work, and special pains is taken to give them the instruction and assistance they need.

We have a district association that meets semi-annually, and the attendance has in no case been less than 200 at the last four meetings, and as high as 250. The district is so large, being about 60 miles by the shortest roads east and west, and from 20 to 30 miles north and south, that it is difficult for all to attend each meeting ; therefore, to accommodate the two extremes, meetings are held alternately at Addison or Corning in the eastern part, and Canisteo or Hornellsville in the western part.

The county institute is always a success, which with such men as Lantry, Kennedy, Pooler, Johannot, Post, as instructors, cannot be otherwise.

I hold an examination in each town in April, and again in October, each year, and as a rule do not renew a license without an examination, requiring the applicant to show some improvement in order to sustain his grade. A person who cannot pass a better examination after an experience of six months or a year is not likely to succeed; and teachers knowing that they will be required to do better each time, prepare for it, and the result is satisfactory. Most of the teachers employed in the schools, during the year, have had some experience, but few who never taught having applied for a license, and the number of experienced teachers employed for this winter is greater than ever before.

There is an increasing demand for better teachers, and I receive more applications from trustees to recommend competent persons than I can supply. As a result of this a large number of teachers are now studying to prepare themselves to fill these places — 12 having gone to normal schools, a larger number than I ever before recommended at one time.

There are so many teachers employed in the district (280), and distributed over so large a territory, that it is impossible to visit them all during the terms of school; but I have met them several times at examinations, associations and institute, during the year, besides about 130 in their schools, and I think there is not a more intelligent, faithful, energetic class of teachers in any district of the State.

The future of the schools in this county looks bright, and I expect to see in a few years, at the present rate of progression, each district provided with a comfortable and pleasant school room, and a competent teacher, who will stay at least a year in a school, many districts having reached this point already.

Steuben county should be divided into four districts, which will give each commissioner 8 towns and about 100 schools, as many as one man can consistently look after.

Thanking the Department for past favors,

I am, very respectfully,

R. H. WILLIAMS,

School Commissioner.

LINDLEY, *December 15, 1880.*

SUFFOLK COUNTY — FIRST DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR. — In compliance with your directions, and according to my invariable custom, and in addition to the legal abstracts of the annual reports of trustees, I herewith transmit a general statement of the condition of the several schools, and educational interests, under my supervision.

The number of school districts, as shown by trustees' reports and by the records in the various town clerks' offices, is sixty-two. The number of teachers employed and teaching at the time all the schools are in session is eighty-five. Some of the trustees still cling to the absurd practice of changing instructors from two to three times yearly, even when having barely sufficient time, in which school is taught, to participate in the distribution of the public money. My advice in all such cases is that the school be opened on the first day of September, and to continue the same without interruption or changing teachers, to the end of their school year. I am glad to note a change in this direction, which is proving highly beneficial to both teachers and pupils.

I have endeavored to visit all the schools at least twice during the year; and, in several instances, many more times than that. The different periods at which the sessions begin, and the unequal lengths of time taught in each school, make the labors of the commissioner in his visitations more unprofitable and burdensome than would otherwise be the case, provided the trustees were compelled to begin the school work all at the same time, and that, at least, at the opening of the legal school year.

The teachers are not forewarned of the time of my visits. I seldom allow them to call up any classes, or to introduce any exercises, which are not indicated upon the regular daily programme. In this way, I am enabled to properly judge of the instructor's ability to impart knowledge, his tact to organize and manage, his power to control his pupils and his methods of giving instruction and of maintaining discipline; and, by means of a few pointed questions, pertinent to the subjects under consideration, I seldom fail to ascertain the true progress which the pupils are making, as well as to accurately determine the real value of the teacher as an instructor.

In most cases, these visits are attended with valuable results. If the teacher is doing good work, as shown by the general condition of the school, he is commended and encouraged. If either his method, manner, order, organization, discipline, or management is defective, or erroneous, he is kindly admonished of the faults, and shown how the work should be properly done. As a rule, all suggestions and advice are received in the same kind spirit in which they are given, and generally put in practice.

I recall an incident of a young teacher, who at the time of my visit was engaged in what she really thought was the best and only proper way of instructing children how to read. She was laboring very hard, her pupils were working still harder, while the operation was extremely painful to the listener. Not one of the reading books was adapted to the ability, the growth, and the understanding of her pupils; while the subjects being utterly beyond their comprehension, and the words far beyond their powers of articulation, the whole effort was purely mechanical, and a positive injury, rather than at all beneficial to those engaged in the exercise.

Before leaving the school room, I frankly told the teacher her efforts, on this point, were a complete failure; and that an attempt must be made to remedy the defect. The hot blood soon manifested itself in her deeply-flushed face, tinged with palpable signs of suppressed indignation. Feeling assured, from the general appearance of the school that she had in her the right elements for a good teacher, I spent considerable time in privately explaining to her the improved methods of teaching this important branch in primary instruction, and advised her to take *one class only* upon which to try the experiment. A few months after this, I found her engaged in another district. She was looking cheerful and happy, and the indications all pointed to a pleasant and prosperous school.

Nearly as soon as I entered the room she addressed me in a clear and sprightly tone, saying: "Mr. Commissioner, I owe you an apology." "How so?" said I. "When you last visited my school," she continued, "I was just boiling mad at you for what you said to me about my efforts to teach reading; but this feeling of indignation gradually subsiding, I began to seriously reflect upon what you so kindly advised me to do, and the proper manner of doing it. I determined to faithfully try your method, and I have found it to be just splendid, and have succeeded admirably in my attempt."

Here she gently tapped her call-bell, and, in a moment, her class in the first reader stood before me. "Now," said she, "*this is my apology!*"

The change was a marvelous one; she was perfectly delighted with her success, while I was highly pleased with her improved methods and with the rapid progress of her pupils. They properly pronounced all the words in the lesson; the pauses, the accent and emphasis were correctly indicated; and, by close questioning, I found every pupil competent not only to tell, in his own language, the subject and import of the lesson, but able to clearly define each word, and to write it legibly upon the slate or board.

In most cases, these visits are attended with salutary and beneficial results. The progressive teacher is ever ready and willing to receive advice and suggestions, to act upon them, and to investigate new ideas and methods which may come to his notice. This class of teachers, by daily improvements and constant study, and by keeping pace with the new thoughts which are continually being evolved in the universal efforts to discover the best possible methods of imparting knowledge, which shall be useful in the future career of the recipient, soon deservedly come to stand in the very front ranks of the most worthy and successful educators.

The number of teachers licensed during the past year, was 2 of the first grade, 25 of the second grade, and 35 of the third grade. When I entered upon the present term of school commissioner, I required *all the teachers*, subject to my jurisdiction, to present themselves for examination, without regard to the length of time their certificates which they had received from my predecessor might ex-

tend. The examinations, at that time, were by written exercises, and were so full and complete that I have been very little annoyed by re-examinations. After ascertaining, by actual visits, in the school room, the abilities of the several teachers who had passed this examination, it was simply a question of re-licensing them, provided the school room work was of that character to warrant it. A few, whose work at this general examination was of a doubtful nature, and who were admonished, when receiving their certificates, that they must show good results in the school room and decided intellectual progress on their part, or retire from the teachers' ranks, have stepped aside, and others more competent, in every requirement essential to successful labor in the field of education, have taken their places.

In regard to the apportionment of the public money, I now hold the same views I have entertained ever since I became interested in educational matters. If the present district system of electing trustees, and of raising money to defray the annual expenditures for the purposes of education, shall continue, then one-third of the public money should be apportioned for the payment of duly qualified teachers, and the other two-thirds on the average attendance. Why that child, who attends school only a few days or more in the year, should be the agent of actual revenue to any school district, is a problem which no man of common sense can readily and equitably solve. The people are willingly taxed that *all* the children may be educated, not for the benefit of those who stay at home, or roam about the streets in idleness, oftentimes, in their unemployed moments, doing mischief of the most serious nature. Such facts are often used to disparage the beneficial effects of the free school system, and the sooner the cause of complaint is wholly removed, the better will it be for the vital interests of the State, and of those who are laboring to make all classes of our people intelligent and worthy the noble and exalted privileges of citizenship. Away with all shams and delusions in our educational system! The time for high-toned action has come; and results, grand, glorious, and commensurate with our vast expenditures, should be made manifest in visible signs of actual progress.

The normal schools, so far as my observation and experience extends, are doing a valuable work for the cause of education in our State. The natural methods, in which teachers are thoroughly instructed, and the daily practical drill in actual school-room management, classification and discipline, afford them facilities of entering forthwith upon the successful labors of correctly teaching the youth of the land, which no others so fully possess. The fact that the demand for normal graduates is rapidly increasing, as well as the growing attendance at these schools, is a safe and sure indication of the high value placed upon them by the public at large. The people have become so thoroughly interested in all educational matters, and so deeply convinced that that State is the strongest whose citizens are the best educated, and trained intellectually and mor-

ally that they no longer complain of taxation, even to an extreme degree, provided the results are commensurate with the expenditures. But while the establishment and maintenance of these valuable institutions have been decidedly beneficial to the cause of education, and a wise measure on the part of our legislators, it is equally true that the location of them has been injudicious, unwise, and unjust, and unfair to a large majority of the tax payers.

Of the eight normal schools now in successful operation, a glance at the map shows *four* of them to be located in the extreme western part of the State, being west of the city of Rochester, while the other four are so situated that the southern and eastern portions, and to some degree the central and western portions too, are not properly afforded the same advantage to which they are honestly entitled.

Now, the common schools of Suffolk county, and so far as I have observed, all the schools on Long Island, are in no respects inferior, but in many things far superior, to those in all other parts of the State. The people are temperate, honest, upright, industrious, frugal and thrifty, and ever ready to share in the burdens of taxation, whose purposes and objects have in view the education and progress of their fellow citizens.

The construction of the Erie canal, for which our people *pro rata* were taxed, was one of those magnificent public improvements which, while increasing the revenue and prosperity of the State as a whole, was a downright positive injury to our agricultural and piscatorial industries,—the chief sources of livelihood to our people, inasmuch as it opened a grand highway of cheap transportation to western farmers, gardeners, and fishermen, whose productions hitherto had, by our people, been supplied to the denizens of the metropolis at remunerative prices. The taxes exacted for this purpose we cheerfully paid; and, with that spirit of tact and thrift which characterizes the American people above all other inhabitants of the globe, they soon learned to adapt their industrial labors to the new condition which so suddenly confronted them, and, thereby, were enabled to provide themselves with all the necessities and comforts of life.

Our people are aware that the normal schools are supported by the assessment of taxes equally levied upon all the property in every part of the State. They see, too, that thus far, like the construction of the Erie canal, by reason of the locations selected, the advantages and privileges to be derived therefrom accrue, in undue proportion, to the central and western counties. By reason, also, of our great distance from them, we are largely deprived of the strong moral, social and intellectual influences which they obviously exert; the expense of our children attending them is greatly increased, while our producers are not allowed to participate in the pecuniary benefits which inevitably result from the large consumption of the various articles of food at these institutions.

Therefore, in behalf of the great cause of popular education generally, in behalf of the people of Long Island especially, and in behalf of the hard working and successful teachers and earnest educators of "Old Suffolk" particularly, do I make an ardent and hopeful plea for the establishment of a first-class normal school in this county. Riverhead, Sag Harbor, Greenport and Southold are points easily accessible by railroad — the three last named by water, also. The proximity of these beautiful villages to the waters of the ocean renders the climate charming, salubrious and extremely healthful. The remarkable longevity of our citizens, by reason of their sobriety, industry, and the wonderful climatic influences, is proverbial the world over. And, in view of all these striking advantages, large numbers of summer resorts have already been established in and around these localities, and extensively patronized; and, ere many years shall have passed away, the whole of the eastern portion of the island seems destined to be converted into one grand Hygienic Mecca, where the weary shall flee for wholesome rest, and the sick shall come to find longed for health both of body and of mind.

We ask this not as a *special favor* — not as a privilege which shall redound to our advantage, at the expense and inconvenience of our fellow citizens in other parts of the State — but we **CLAIM** it upon the broad principles of justice, equity and humanity. True Republicanism does its work faithfully and righteously only where it recognizes the universal brotherhood and welfare of *all* of its citizens, doing the very greatest possible good to the highest possible number. Therefore, we patiently possess ourselves, in daily increasing hope, that the time is not far distant when we shall, by the general approbation of the State, be in actual possession of all the inestimable blessings and privileges which such an institution can bestow upon us. Shall we plead in vain? and shall our urgent appeal go unheeded?

The people of Greenport — union school, district No. 16, of the town of Southold — with a spirit of liberality, both commendable and praiseworthy, have just completed, at a heavy expense, one of the finest and most convenient school buildings in the county. It is admirably equipped with all the excellent improvements of modern furniture, and has sufficient suitable apparatus for its present needs. An academic department has been organized and opened. To it are admitted pupils from the neighboring districts, at very moderate rates of tuition, considering the valuable privileges and advantages it affords. The number in attendance is already quite large; and the present indications are that it will exert a highly salutary educational influence both within and beyond its own legitimate boundaries.

The board of education is composed of truly worthy, thrifty and intelligent citizens of the village; and they have shown superior wisdom and tact, as well as sound judgment, in selecting an efficient corps of teachers, in every respect well qualified to do the work re-

quired of them. While the burden of taxation to the people is a heavy one, they are to be warmly congratulated on their generosity, and, in many cases, self-sacrifice, in order to give to their children these splendid advantages of attaining a thorough and practical education.

In this connection, I may add, it is one of the strangest things in all our educational interests, that no steps have been taken by our wide-awake educators in relation to the structure, the furnishing, the warming, the ventilation and lighting of our school buildings. Now, a district takes the necessary legal measures for the erection of a new house, the site is purchased or already owned, and the requisite amount of money is voted for the purpose; and of course, the trustees or people *en masse* of the district are left to decide as to what kind of a structure it shall be. In most instances, they are about as competent for the work as they would be to devise and to supervise the construction and arrangement of a house for banking or commercial uses. Hence, nine-tenths of the new school buildings as now erected are partially, if not wholly, unfit and ill adapted to the purposes for which they are designed. The seats are not properly adjusted to the age and convenience of the pupils who are compelled to use them; the arrangement of the blackboards is generally purely accidental, being placed just where there happens to be an opening for them, oftentimes so elevated as to be exactly suited to the wonderful stature of the *giants* of old; the windows are arranged with no reference to the health and preservation of the eyesight of the pupils; while the doors are usually located to suit the convenience and economy of the builders.

This picture is not overdrawn — it is simply downright fact and naked truth. It would seem, then, to be the immediate duty of the State to remedy this palpable defect. The very best architectural talent should be employed to devise plans and specifications for the sole use of school buildings. They should include buildings adapted to all grades of schools, from the highest to the lowest; and no new school-house should be permitted to be erected which did not correspond to some of these legal designs. And thus would we have architectural beauty and utility and comeliness showing itself all over our great State, and keeping pace with all our intellectual attainments.

The annual session of the teachers' institute at Greenport, in April, was the most successful and profitable one ever held in the county. The instructions, given under the direction of Prof. James Johannot, assisted by Prof. H. C. Northam, were listened to with close attention, and in the main, were, under the sharp criticisms of the teachers, fraught with practical results. No loose statements were allowed to pass unnoticed; and the conductors, confronted by a body of teachers whose equal, in all points pertaining to their profession, it would be hard to find in the State, were kept constantly on the *qui vive* as instructors; and a happy hour was it for them, if they did not find some proposition stated, somewhat doubtful or

requiring deeper thought or more careful study on their part. This came from no hypocritical spirit on the teachers' part; but from an honest desire to thoroughly master every subject which might be of service to them in their school-room work.

The following table is instructive, showing the large number of teachers in attendance, and the average terms taught by them:

	Males.	Females.	Total.
Number of teachers in attendance	65	173	238
Total days' attendance	269	741	1010
Average daily attendance.....	53.8	148.2	202
Terms taught (two terms a year).....	941	1353	2294
Terms taught, average	14.5	7.5	....

The length of time taught by our teachers points unmistakably to one of the chief causes of the efficiency of our schools; and would seem to indicate that the salaries paid are an inducement to continue in the work.

The unexpected visit of Hon. Neil Gilmour was a source of great delight and profit to the people and teachers. The social hour, spent by him in answering queries pertaining to the school laws, was highly enjoyed by all present; and his impromptu speech, before the association, was listened to with deep interest and marked attention by his hearers. May he come again to gladden our hearts and strengthen our purposes.

In the evenings the Suffolk county teachers' association presented a programme, replete with poetical, instructive and interesting exercises. The music, the recitations, the spicy questions from the query box, the discussions, the essays and the addresses, served up a "feast of reason and flow of soul" so charming, so instructive, so fascinating, and so highly enjoyable that the crowded audiences listened with rapt attention until the near approach of the midnight hour. The people of Greenport manifested a deep interest in all the various exercises of the institute and of the association. And here it may be proper to say that I have never seen the people so thoroughly stirred up, and so intensely aroused to the great importance and value of popular education, as by the assembling of an institute or an association, in the midst of them, whereby they may partake of the benefits of the instruction and lectures therein given. A mutual acquaintance, between people and teachers, springs up, which fosters sociability, creates a strong bond of sympathy which goes far to strengthen the hands and hearts of the teachers, in their arduous labors, and tends, in a large measure, to dispel many false notions of unfairness and injustice attending some of the expenses of our free school system. The rotation of the institute is one of the best popular educators in the State, and deserves a fair trial and a careful consideration on the part of those who would see all educational efforts produce the happiest and most satisfactory results.

In conclusion, I can only repeat the following epitome of needed

changes which the present *status* of educational affairs seems to demand. They were published in my report of 1879, and, it appears to me, after further reflection, that nearly all of these recommendations might be adopted with great benefit to our public schools:

1. Begin the school year on the first day of September.
2. Hold the annual meetings for the election of trustees on the last Tuesday in June.
3. Adopt the township system partially, retaining the present school districts, and allowing each one to elect a sole trustee.
4. Require these several trustees to assemble in a convention, on the last Saturday in June, at the most central or accessible locality for holding such meetings. By ballots, require them to select one, three, five or seven of their number, according to the population and trustees in each town. The persons so selected shall constitute the town board of education, whose duty it shall be to organize, maintain, direct, control and to have the entire supervision of all the schools needed in the town.
5. Make the commissioner, *ex-officio*, chairman of each of these several boards, within his jurisdiction, allowing no teacher to be employed without his approval, save by a unanimous vote of the board.
6. Allow the members of this board a fair compensation for their services.
7. To entitle the town to participate in the public money, extend the legal school year to thirty-six weeks, of five days each, in every district.
8. Make all assessments of local taxes, for school purposes, by towns.
9. Retain the present district quotas for duly qualified teachers, apportioning the remainder of the public money solely on the basis of actual attendance at school.
10. Empower the commissioner to transfer the teachers from one school to another, in the same town, as often, in his judgment, as the schools may be made more efficient by so doing.
11. Make the engagements of teachers extend through the entire year.
12. Increase the authority, general powers and duties of the commissioners; extend their terms of office to six years; pay them a salary commensurate with their work and responsibilities; put stringent qualifications upon them; require three years' successful teaching; compel them to devote their whole time to the discharge of the duties of the office, and, then, if any are derelict or incompetent, subject them to suspension or removal by the State Superintendent.
13. Organize, annually, in each commissioner district a local normal training school, of four or six weeks' duration, for those who have never taught and for third grades. The State to furnish a competent *trainer*, and the sessions to be held at some point where pupils can be made available for actual school-room practice—organization, management, gradation, classification and methods only to

be taught—all educational qualifications having been previously acquired.

14. Hold one institute annually, in each county, and *compel all teachers to attend.*

15. Adopt a uniform system of teachers' *examinations for the whole State*; the questions to be prepared under the direction of the State Superintendent, assisted by so many of the commissioners as he may call to his aid; the percentage and experience required of each grade—the actual standard of qualifications—to be determined by them; hold but *two* examinations—only *one* if practicable—every year, and these simultaneously in all the commissioner districts in the State.

16. Apportion no more money for libraries; consolidate all the present district libraries, in each town, into one; put this in charge of the town clerk, and allow each town to add thereto or not, as a majority of the people may determine, from time to time, in their annual town meetings.

17. Allow no teacher to collect, in any manner, any portion of wages due, without first making oath that the register, in every particular, is properly and correctly kept, according to the instructions therein laid down.

18. Compel all the children to attend school at least twelve weeks in the year, prohibiting all who do not attend from participating in the public money; also, punish parents, guardians and children, who do not comply with the law.

19. Grade all the schools in the State, defining clearly the successive steps of gradation from the lowest to the highest; establish, also, a uniformity of text-books, in counties at least, if not throughout the State.

20. Make the efficiency of our schools depend on the hearty co-operation of all the inhabitants, reducing political and sectarian influences to the lowest possible minimum; let unity of action, harmony of purpose, and competent supervision characterize all our educational efforts.

My sincere thanks are due the Department for the prompt and valuable assistance so cordially given at all times, and for other favors which have been of great service to me in my various duties.

All of which is respectfully submitted.

Your obedient servant,

CORDELLO D. ELMER,

School Commissioner.

SOUTHOLD, *December 23, 1880.*

SUFFOLK COUNTY—SECOND DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—In accordance with the desire expressed in your circular letter, I most respectfully submit the following report :

I have read, with care, your annual report made to the Legislature at its last session, and find many excellent suggestions and sentiments, in nearly all of which I heartily concur. In two of them, however, I cannot.

The first of these is in regard to "supervision," wherein you concur with the sentiment expressed by the school commissioners and city superintendents when assembled in convention, "That a candidate for the office should either be the holder of a State certificate, or be a graduate of a normal school or higher institution of learning, besides having had several years' successful experience in teaching." My reasons for differing in this respect may be two-fold : In the first place, I should be ineligible, and I have too much egotism not to believe that I cannot fill the position as well as the average citizen who might have these special qualifications. In the second place, the best commissioners our county has ever been favored with, and who have done the best and most successful work, have been those who were similarly situated.

The second of these exceptions is "The township system." I can see many serious results which would inevitably arise in this county by its adoption, and no real specific good except in a few isolated instances. My associate commissioner, Mr. Elmer, of Southold, in his report made last year to the Department, presented views in this respect that appear to me to be the best I have ever heard suggested. My sentiments and views, suggestions and wants, are fully expressed in his report made last year, in nearly all that he says in regard to "Needed changes." His report is well worth a careful perusal and consideration by every commissioner and superintendent. While I differ with him very materially as to the manner in which he proposes to solve many of these difficult problems, I heartily agree with him in a desire to see them satisfactorily solved.

Commissioner King, of Richmond county, expresses my views in very many respects. In no instance, however, in my district, are the children taught in separate apartments.

I heartily concur in the sentiments expressed by commissioner Surdam, of Queens county, in regard to the need of a normal school on Long Island. No one who has been called upon in an official capacity to visit any number of schools, but can readily perceive the superiority, generally, of those conducted by graduates of normal schools. There are, however, notable exceptions to the contrary, very many excellent teachers being engaged at present in my dis-

trict, who are doing good work without having had an opportunity to improve themselves in this respect. Of the 185 teachers employed some portion of the time, during the past year, in my district, but nine are reported as normal school graduates.

In regard to the selection of teachers and granting of certificates, commissioner Wells, of Erie county, and commissioner Leonard, of Niagara county, to my mind solve almost perfectly those difficult problems, and their experience fully coincides with my own.

An almost universal opinion I find exists among the commissioners that the school year should be changed from the first of October to July or August. I can see very many excellent reasons for the change and no good or even plausible reason why the change should not be made. Commissioner Newell, of Essex county, fully and quite clearly expresses my views and opinions of the necessity for this change.

In calculating the "average attendance," of each school, commissioner Abbott, of Erie county, makes some very excellent suggestions. I have had in more than one instance, during the past year, an experience of a similar nature to the one he refers to, where the trustees closed their school for the purpose of preventing a reduction of the average attendance, thereby doing an injury to both teachers and children. In fact, after a careful examination of many registers of the small schools of my district I am inclined to believe that a very large percentage of them do not have it correctly reported by the trustees.

No new school-houses have been built during the past few years in my district. Some it is true are needed, but with a few exceptions even these can be repaired at a small expense and be made to answer the purpose required.

To moralize is not my forte. I leave that business generally to those who have been more liberally or especially educated for the duty. Born a worker and educated a surveyor, I believe in calculating carefully my latitude and departure, establishing the bearing and proper course to pursue, and to cut and hew, dig and delve through plains and forests, over valleys and mountains, both real and imaginary, until the end is achieved, but yet can be excused this once. Too much stress is generally laid by teachers and commissioners upon elegant school buildings. No one perhaps admires them more than I, is more pleased to enter them, or to encourage their construction, but I very much prefer a good teacher in a poor school-house, to a poor, unqualified teacher in an elegant one. Several of the most prominent officials of our county at the present time, men who successfully, honorably, and I believe satisfactorily, fill their positions of trust and of honor, were schoolmates of mine, and graduated in a school-house far inferior to some of the barns now in our county. The "little church around the corner," where true religion is taught and truly religious, pious and honest men kneel in humble reverence, is to my mind much to be preferred to the costly edifice incumbered with debt, cushioned pews and accompanying

surroundings, where true religion is the exception and not the rule. While I do not wish to and believe am not behind the times in all that tends to the advancement of material wealth, prosperity or of education, I am and shall always continue to be opposed to that which does not seem to promote these ends. I much prefer, urgently insist and encourage, every trustee to pay good wages, employ good teachers at any price, even though at seemingly exorbitant rates, rather than poor teachers at any price. I have never yet met with any class of people, at least there are none in my district, who are not willing and even desirous of paying their money where they can clearly and plainly see that they obtain an equivalent, and I have yet to meet with any class of people who will cheerfully pay their money when they do not or cannot be made to see such a result. There is no use in fault finding because people will not attend church or send their children to and encourage the schools; make them attractive and they will flock to them as children in a country town flock to the circus.

There are four teachers' associations in our county. At their meetings, held in different localities and usually at different times, very much good work is done and many excellent ideas advanced. In fact, I doubt very much whether the institutes held each year in our county do any more or even as good work for the advancement of the cause of education as do our teachers' associations. Not only do they aid the teachers in their work, but they are the means of educating the people who usually attend their meetings. You can bear witness of the truth of this remark from the large attendance present, and the programme presented on the occasion of your visit to our county at the meeting of the institute in April last at Greenport. These associations should, under some circumstances, and when complying with certain specified rules and regulations, receive State aid and support.

Finding that the boundaries of school districts in the five towns under my jurisdiction were, as a rule, in a very unsatisfactory and unsettled condition, I have, during the past year, been making a special effort in the direction of having them mapped and recorded in a plain, distinct and as perfect a manner as possible, without incurring any unreasonable or unnecessary expense. To accomplish this matter the most effectual, I have drawn maps of each and every school district, on a scale usually of about eighty rods to an inch, locating every public road, every house, stream of water, harbor, bay or other permanent monument. My experience as commissioner of highways for several years enabled me to have a pretty thorough knowledge of my own town at least, although it embraces an area of about 400 square miles, or about one-third of my district, and my experience as surveyor has made me quite observant of locality, familiar with map drawing and other qualifications quite essential for the easy accomplishment of the object. With the aid of a delineator and an auto-litho printer, I drew and copied about ten maps of each district, or over 800 in all. I sent three maps to each board of trustees and usually one or two to each teacher of each and every

school district, with a request that they make such alterations, corrections and additions as they knew to be right, and when properly marked and completed, to return to me one or two copies and retain the others for use in the district. These maps were all or nearly all corrected, revised and boundaries marked as the trustees understood them and returned to me. From them, when corrected, I am preparing maps of each town, to include every district in each, as well as other districts which extend into adjoining towns. As soon as prepared, I make an appointment to meet several boards of trustees in some convenient locality, where, in usually a friendly manner, disputes or differences as regards the boundaries are settled and determined, marked and defined. My task is by no means completed. To draw properly over eighty different maps, and take from eight to fifteen copies of each, is no small task; but to revise, correct, complete and settle disputes where conflicting differences have arisen, is still more difficult. I have commenced the work, however, and propose to complete it.

In the prosecution of the work, I have found many thousands of dollars' worth of property which has not paid a school tax for years, and from every quarter have received words of encouragement and an earnest desire on the part of school boards for me to push the matter to a successful completion.

I cannot tell how many official visits I have made during the year, in very many instances neglecting to record my name. It has been my usual custom to notify boards of trustees several days in advance of the proposed visit with a request for them to meet with me at the school-house, but not inform the teacher of my coming, which request is generally complied with. When we meet, matters relative to the welfare of the district are canvassed, repairs and improvements for health, convenience and necessity are suggested, views expressed and advice given to teachers in regard to the studies pursued, management of classes and general conduct of the school as our experience may suggest, and the result has been, I believe, generally conducive for good. These visits usually occupy half a day, sometimes more, seldom less for each school; and I have made one visit at least, sometimes two, and occasionally more, to nearly every school, generally attending to such duties and making visits to such localities, and at such times as, in my opinion, the general welfare and prosperity seem to require.

But little trouble has arisen in any of our schools with regard to the duties or qualifications of teachers. My recommendations and suggestions have been generally accepted, kindly received and adopted, and in but one instance have I thought proper to relieve a teacher of her responsibilities in order that another and more efficient one might take her place.

A few changes have been made in the boundaries of districts, and a few more are under consideration, which, I hope, may be effected without serious difficulty, and result for the general good.

Thanks to the people of this district who selected those able and

efficient men who have preceded me, and in whose footsteps I am striving hard to walk and to work. I found through their united efforts an excellent corps of teachers and the schools generally in a most excellent condition when I assumed the duties of my office, and I trust and hope I shall be able to leave them in as good if not better condition when my official term shall have expired. Although far from being perfect, I believe their condition at this time is better than ever before, and not inferior to any in the State.

Regretting very much that important official duties and engagements have compelled me to write this long report, instead of a short one, feeling grateful to one and all who have given me advice and encouragement in my path of duty, with many thanks to both teachers and trustees for their hearty co-operation and respect shown me, I need not again assure you that in return for favors received in the performance of your public duties, or to aid you in your work you may always consider at your service,

Very truly yours,

JUSTUS ROE,

School Commissioner.

PATCHOGUE, *December 22, 1880.*

SULLIVAN COUNTY — FIRST DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.— I submit the following report of the condition of the common schools of this district.

One hundred and forty-four visits were made during the school year ending September 30, 1880. In eighty-three schools visited during the winter term, 2,296 pupils were present at the times of such visitations. The common branches, which may include spelling, writing, reading, arithmetic, geography and grammar, were taught in all. Civil government was taught in forty-nine schools; United States history in fifty-seven, physiology in eight, algebra in thirty-two, drawing in two. In sixty-one schools visited during the summer term, 1,763 pupils were in attendance. In the summer schools, instruction was confined to the common branches, with the exception of nine or ten schools. It is important that a course of instruction for the public schools be defined by legislative enactment.

Our apology for exercising the right of taxation to educate the children of the State is that upon the intelligence of the masses rests the security of the State. Then we should educate them for the intelligent performance of the duties of citizenship, as well as for the transaction of the ordinary business of life. That they may be able to solve difficult forms of the quadratic equation, or give the source and direction of the rivers of the eastern continent,

or understand the arbitrary rules that govern the infinitive mood or nouns in apposition, is not absolutely necessary; but it is necessary for them to know the geography of their own towns and counties, and of their own country, to write a letter correctly, to accurately measure quantity and value; and it is of vital importance that they should be acquainted with the history of their own nation, the sacrifices that were made to found it, and the causes that have led to its tremendous growth. They should know something of the distinctive features of our form of government, of the powers, duties and responsibilities attaching to official trusts, and the rights and privileges of the citizen. We ought to educate our youth to be intelligent readers and good arithmeticians; and if we would preserve our priceless political institutions from the assaults of anarchy, or from the decay that corruption engenders, we must educate them to be intelligent voters.

To that end our history and government must be made prominent subjects in every school. Teachers should be made to inform themselves upon them, and to give them time and attention in the school room.

WEAK DISTRICTS AND POOR TEACHERS.

There are in this commissioner district, and probably in most others throughout the State, teachers who are not qualified, by reason of want of education and training, to properly perform the work of instruction. That this is a necessary evil, every commissioner of a rural district, located in the new and poorer sections of the State, must admit.

In looking over my abstract of trustees' reports for the past year I find one district in which the total amount of property, real and personal, according to the last assessment is \$4,430. This assessment represents the "full and true value" of the property in the district, as required by law, not one-third or one-half as was the custom a few years ago. The number of children reported in the district was fifty-three, and the apportionment of public money was \$114.44. To raise a tax sufficient to pay a good teacher, from this poverty stricken community, would be an impossibility. The district is so isolated as to render its consolidation with others an impossibility. It must have a cheap teacher, or none at all. Such cases as this are the strongest arguments in favor of the township system.

Again there are localities where a teacher, who has the advantages of education and experience, will not go if it can be helped. Many have said that, sooner than teach and board in such and such a district, they would quit teaching altogether. Ten years ago I formed a new district of a neighborhood containing fifteen homes and about thirty children, located five miles from any school-house at the nearest point. They had long needed a school, for some of the children had grown up without being able to read. Although the people were poor the district had property amply sufficient to

support a good school for the entire year, as the property of a wealthy corporation to the amount of \$45,000 was situated within it. After the formation of the district an excellent teacher was employed. She taught a few days and quit. Another succeeded her with a like result. As a last resort the trustee found a girl who had been a domestic in one of the neighboring villages. She agreed to teach the school if she could get a certificate. She was a very good reader, and had read considerable, wrote a fair hand and could spell. She knew but little of arithmetic beyond the four ground rules. Our language was indeed to her a "grammarless tongue" for she acknowledged that she had never looked into a grammar. She received a third grade certificate for that school, and taught it for two years. She did well; she worked hard for her own improvement, and that of her pupils while teaching; afterward went to an academy a term, then taught a year, then to a normal school, where she graduated, and is now a successful and honored teacher in another State. This instance is mentioned for the purpose of showing that the educational theorists, who are continually lamenting the decadence of rural schools, and charging country commissioners with being swayed by all sorts of improper influences in the examination and licensing of teachers, do not always know the difficulties under which they labor. Commissioners sometimes license persons who lack in education and the other requirements of a good teacher. But they are often compelled to do it by circumstances similar to those mentioned. I, for one, do not believe they do it because of a desire for re-election, nor because of the pressure of political friends, nor from any unworthy motive whatever. They do it in the exercise of a sound judgment. Surely nothing can so quickly destroy a commissioner's standing among the people who have selected him, as the indiscriminate licensing of every applicant for a certificate. Nothing that he can do will so surely prevent his re-election. By the wholesale granting of certificates to the ignorant and unworthy he places on record indubitable evidence of his own incompetence.

TEACHERS' CLASSES IN ACADEMIES.

The only academy or high school in this commissioner district is the Monticello Academy, founded about thirty years ago. This institution has been under the supervision of the Board of Regents, and has given instruction for some years to teachers' classes. During the winter term of 1875, a class of fourteen received instruction; in 1876, fourteen; in 1877, two classes of fifteen each; in 1878, a class of nineteen, and in 1879, a full class of twenty was taught for thirteen weeks. These classes were made up in part of young teachers of one or two terms' experience, and partly of those preparing to teach the next summer. It has been my custom to devote an afternoon, every two weeks, to the class by reviewing them in the studies pursued, and giving them suggestions in regard to their future work while they were members of the class. In accordance

with my request, the principal of the academy gave them special teaching, from time to time, in such branches as they were found deficient in at the bi-monthly examinations or reviews. A majority have been engaged in teaching since leaving the academy, some being among the best teachers of the county. The small sum paid by the State for their tuition has been well expended.

EXAMINATION OF TEACHERS.

During the past school year, I have examined eighty-three applicants for certificates. Sixty-four of these were teachers who held expired certificates and were re-examined. Five received first grade certificates; sixty-one second grade, and ten third grade. Seven applicants have been refused license.

The examinations have been mainly written. Written (not printed) sets of questions, prepared in times of leisure, are given to the candidates. They are required to commence at the first question or problem, write it, and follow it with the answer or solution, if they are able to give it, and so continue through the exercise. The examination paper is indorsed with the name of the candidate submitting it, place where he or she intends to teach, and such other facts as may be deemed necessary, and filed. These papers are open to the inspection of trustees or others who may desire to examine them from proper motives. Up to within two years examinations for each of the grades of certificates were the same. First grade certificates were granted as a recognition of successful experience in teaching, rather than from any superior knowledge of books. For the past two years some problems in higher mathematics have been added to the second grade examination for candidates for a first grade certificate.

The following is a set of examination questions recently used:

ARITHMETIC.

1. Add the decimals forty-seven millionths, thirty-three ten thousandths and five hundredths; from the sum take fifty-three hundred thousandths; multiply the remainder by three and three-tenths, and divide the product by five millionths.

2. Paid \$1.50 for 78 feet of boards; what was the cost per foot? After the solution write the answer in words.

3. What fraction increased by 16 per cent. of itself equals $\frac{2}{3}$?

4. How many cords of wood in a pile 30 ft. 6 in. long, 6 ft. 3 in. high and 3 ft. wide?

5. If the digging of a well 10 ft. in diameter cost \$2.50 per foot in depth, what will the digging of one 6 ft. in diameter cost per foot?

GEOGRAPHY.

1. Bound the town in which you live, tell how it is drained, give the number of school districts in it, and its population as near as you can.

2. What is the meridian of a place?
3. Write the names of five of the States in the order of their population, and give their capitals.
4. What rivers form the boundaries of States?
5. What are isothermal lines? Describe as near as you can the course of the isothermal line which passes through this section of the State until it reaches the Pacific coast.

GRAMMAR

1. Write the plurals of *lady*, *wharf*, *thief*.
2. Explain the correct and incorrect use of the verbs "lie" and "lay," "sit" and "set."
3. Write a sentence having in it a verb in the infinitive mood without using the preposition *to*.
4. Write a simple, a complex and a compound sentence.
5. Analyze and parse "Teach me what is true."

HISTORY.

1. Who were the two most prominent members of Washington's cabinet?
2. What States did Clay, Calhoun and Webster represent in the U. S. Senate?
3. What was peculiar about the election of John Quincy Adams to the presidency?
4. Sketch briefly the leading events in the history of our country from 1840 to 1850.
5. Name five useful inventions made by American citizens, two American citizens prominent as historical writers with their chief works, two prominent as journalists, two prominent as novelists, and two celebrated as poets.

CIVIL GOVERNMENT.

1. What officials compose the board of town auditors?
2. What is the difference between the grand and petit juries?
3. What offices are filled by appointment by the President?
4. What officials form the President's cabinet? Give the names of the members of the cabinet under this administration.
5. What counties form this congressional district?

PHYSIOLOGY.

Describe the organs that circulate the blood through the body, and their action.

THEORY AND PRACTICE OF TEACHING.

1. Give your ideas in regard to teaching pupils to read.
2. When would you have pupils commence the study of grammar?

3. When would you have them commence the study of geography, and how would you commence teaching it?
4. How would you conduct a review exercise in arithmetic?
5. Mention the names of three distinguished educators?

PREPARATORY TRAINING OF TEACHERS.

A careful compilation from the record of teachers' examinations and visitation of schools presents the following facts.

In this commissioner district from October 1st, 1870, until October 1st, 1880, five hundred and twenty-three different teachers have taught a longer or shorter time, varying from three weeks up to ten years. Of this number, three were graduates of normal schools. One of the three taught the same school for three years very successfully. One taught six weeks, and one taught a winter term of sixteen weeks. Eleven out of the whole number had attended normal schools one or more terms, but were not graduates. One of the undergraduates has taught in one place for six years. One hundred and ninety-five out of the whole number attended academies one or more terms, while two hundred and ninety-eight received only a common-school education, followed by such instruction in the methods of teaching as could be obtained in the teachers' institutes.

Institutes are steadily gaining in favor among teachers and the people at large. A very marked improvement is visible in the schools of this district, and nothing has done more for such improvement than the institutes annually held in the county. None have been failures. All have helped to awaken teachers to a sense of their responsibilities, to a need of more thorough knowledge, and to the value of systematic methods in their practical work.

It is probable that for many years to come, the country schools, remote from the large villages or cities, will have to depend for teachers upon those who have been educated in them. It becomes, then, a very important question how the State can best fit these teachers for their duties. It seems to me that this can be done in no way so effectually and economically as by means of institutes held in the counties or commissioner districts, as long a time in each year as might be found to be practicable. The attendance of teachers might be made compulsory, but not without making some certain provision for assisting them to pay their expenses while attending. The present law directing trustees to give to teachers employed by them the whole time spent in attendance at institutes is generally evaded.

TAXATION OF TOWNS.

In two towns of this commissioner district, a town tax, equal in amount to the last apportionment of State school moneys, has been annually levied for several years. Whether this is in accordance with law is doubtful, but the tax is regularly voted at the annual town meetings, is levied by the board of supervisors in the fall, and collected without trouble. The money is apportioned by the super-

visors of the respective towns to the several districts, on the basis of the number of children of school age, and paid to the teachers on the order of the trustees, in the same manner as the money received from the State.

The towns in which this tax is raised are Lumberland and Highland. The former contains six school districts, through three of which the Delaware and Hudson canal passes. The assessed value of the canal property, according to the last assessment, is \$175,466. The assessed value of all the other property in the town is \$64,796. The town of Highland contains five school districts. The canal passes through two of them. The assessed value of the canal property in the town is \$132,900. The other property is valued at \$77,118. The town of Lumberland raises this year \$772.22 for the support of schools, and the town of Highland \$681.15. The apportioning and payment of these sums to all the districts is an immense advantage to the poorer sections of the town.

CHANGES SUGGESTED.

In answer to your circular of July 20th, I take the liberty to suggest the following changes in the school law of the State :

1. The appointment of school commissioners by the board of supervisors of the county, or the supervisors representing the towns composing the commissioner district.

2. The appointment of trustees by the commissioners, or by the commissioner, supervisor and town clerk of the town. In this way, capable men would be more likely to be placed in the office of trustee than by the elective system.

3. The examination and licensing of all teachers by a board composed of the institute instructors assigned for duty in the county, and the commissioners of the county. First grade certificates granted by the board to be valid for the State. Second grade certificates to be limited to the county. All examinations to be held at the time of the annual institute.

This would relieve commissioners of the suspicion of being actuated by political or corrupt influences ; would give a uniform system of examinations throughout the State, and would do away with the pernicious practice of indorsing certificates, which commissioners are often induced to follow from fear of putting a meritorious teacher to an expensive journey in order to obtain an examination.

4. Instead of the 1st of October, let the school year commence the 1st of August. This would be an advantage for two reasons. Many of our schools commence their winter terms as early as September, and many others would do so were it not that at the annual meeting the administration of affairs is changed in the district by the election of new trustees. When an outgoing trustee employs a teacher for the winter term, and opens his school before the annual meeting, it sometimes leads to confusion and fault finding that seriously injures the school. Having the school year end in the

summer vacation would enable the people to hold their annual meetings, elect officers and prepare for a winter school before it ought to begin.

Another reason for the change is, that it would give commissioners time to get correct reports from trustees. Now the time is so limited that all a commissioner can do is to get the reports from the town clerks, make such corrections as his knowledge gathered from school visitations, teachers' reports, and other sources that may be within his reach, will help him to do, and make an abstract of them with all their imperfections. He cannot venture upon sending the reports back by mail for correction, for the chances are that, if returned in time, the second report will be worse than the first. If they are so inaccurate as to render correction by the commissioner impossible, his only remedy is to go to the district, find the trustee, last year's register and tax roll, and make out a new report. By having the reports filed the second Tuesday in August, ample time would be given to secure absolutely correct reports from every school district in the State.

5. Give the voters at the annual town meetings the right to vote a tax upon the town for school purposes, not exceeding the amount of the last appropriation of school moneys received from the State fund.

6. Apportion the public money upon some other basis than the average daily attendance. The present method offers a premium for keeping a school the least possible time to draw the public money.

Respectfully submitted,

CHARLES BARNUM,
School Commissioner.

MONTICELLO, *November 13, 1880.*

SULLIVAN COUNTY — SECOND DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR. - In compliance with your order, I respectfully submit the following in addition to my financial and statistical reports.

During the school year ending September 30, 1880, I made one hundred and seventy-seven official visits in the schools under my supervision, spending, at least, half a school day in each. Upon entering the school room, if I am acquainted with the teacher's plan for managing classes, and with her methods of teaching, I usually take charge of the classes as they are called, examine them, try to ascertain their proficiency in the studies they are pursuing, and make such suggestions to both teacher and pupils, as the circumstances seem to require. If I have never seen the teacher work in school, I request her to conduct the exercises in the same manner

that she would have done, if I had not called. During the session, I observe her work, and that of the pupils, and if, in my opinion, any improvement in her plan or methods can be made, I suggest the alterations which I think it would be proper to make, being careful, generally, not to give the pupils reason to suppose that I disapprove of any thing the teacher does. I always try to impress both teacher and pupils with the necessity for thoroughness in their work, and I encourage pupils to seek first for the knowledge which will be most likely to be of practical value to them. I find that there is quite generally a lack of thoroughness on the part of both teacher and pupils, a disposition to pass over subjects too rapidly, and to adhere too closely to text-books. I frequently find pupils who recite well while I confine myself to text-book, failing when I ask them to do practical work appertaining to the same subjects, but not found in the text-book.

I try to visit each school in my district at least once during each term, and I generally succeed in reaching them all during the winter term, but as I have over ninety to visit, scattered over the hills and through the valleys of six large towns, I am seldom able to reach them all in the summer, when the terms are generally much shorter than in winter.

The care of the schools rests almost entirely upon the commissioner and the teacher. Trustees give them but little attention. They generally seem to think that when they have hired a teacher, and "set the school a running," their only duty to the school is performed. Not one in twenty of the trustees of my commissioner district ever visits his school, or gives it any sort of attention after the school is commenced. The trustees are frequently elected upon the issue that they shall hire as cheaply as possible, or expend only the public money in the payment of teachers' wages. This leads to a continual change of teachers, because the person who teaches during the winter must generally give way for a cheaper teacher for the summer, and thus by the time a teacher becomes acquainted with the capacity, disposition and wants of her pupils, she is compelled to go elsewhere, and another takes her place, perhaps, only to waste the children's time for the next term. This continual change of teachers is a prominent hindrance to progress in the country schools, but it is only the natural outgrowth of the present trustee system.

The office of trustee is seldom sought after by the most competent persons in districts, and it frequently falls into the hands of some one who has no real interest in the school. An opportunity to board the teacher, and thus obtain a little money is frequently quite an incentive to seek the office. Some ignorant persons are anxious to become trustees on account of the little popularity and authority that goes with the office. My attention has been called to two instances where the trustee contracted to pay the teacher certain wages, provided he would board with him, and pay an unusual price for board. In another instance, the teacher's father

offered to pay the trustee a stipulated sum, if he would employ his son at a price per week which he named. Some sort of wire pulling between teachers or their friends and trustees is not infrequent, and it seldom results in any good to the schools. I said, in a former report, that I consider the present trustee system the greatest obstacle in the way of educational progress in the rural districts. Further experience only serves to confirm this opinion. Under the system, the welfare of the schools too frequently depends upon the caprice or selfishness of the one person, who has been, either by accident or design, elected trustee, and no commissioner can successfully combat the ignorance, stubbornness and duplicity that arise out of it. I believe that a judiciously arranged township system of supervision would be productive of far better results, but the district system has so strong a hold upon the people, that any attempt to overthrow it suddenly will be considered an innovation upon their rights, and it will meet with strong opposition. I do not think, however, that the people will object to making the town the unit of taxation for school purposes. I have talked of this matter considerably in my district, and the plan is well received, except in the villages along the railroad. I believe that a majority of the tax payers of my district would favor such a change in the system of taxation. The plan recommended last winter by commissioner Elmer, of Suffolk county, seems to me the most feasible of any that I have seen recommended, viz.: Retain intact the districts as now constituted, allowing the inhabitants to elect annually a sole trustee; authorize these several trustees to assemble at some point in the town, choose a chairman, and by ballot, elect a town board of education from their own organization, this board to consist of three, five, seven or nine members, according to the size of the town and the number of districts therein. Their powers and duties should be clearly defined, and sufficiently ample to enable them to organize, manage, direct and control the schools of the town. The commissioner, *ex-officio*, should be a member of the several boards within his jurisdiction, and his power should be so extended that no teacher can be employed without his approval, save by a two-thirds vote of the town board."

If the present system must be continued, three trustees for each district will produce better results than one.

Under either the trustee or the district system, the school commissioner must be the principal supervisory officer, and in justice to the schools, the office of commissioner should be made as effective as possible; therefore I repeat, what has frequently been suggested, that the office should be protected by a statute providing that certain qualifications must be possessed by persons before they are eligible to it. The standard of qualification should be made sufficiently high to keep the office out of the hands of incompetent, inexperienced and immoral persons. This matter should certainly receive attention from the present Legislature, as school commissioners are to be chosen at the next fall election.

I think that the commissioner's term of office should be extended to six years; that he should be required to devote his whole time to the schools under his supervision; that his salary should be increased so that he is as well paid for his work as other educated persons, and that he should be promptly suspended or removed from office by the Superintendent for willful neglect of duty.

A few of the school-houses in my district are well arranged and well provided with apparatus. About sixty of them are comfortable and reasonably well furnished. The remainder are not fit for use for school purposes. Several of these are provided with backless seats, and with desks arranged around the sides of the room so that pupils sit facing the wall; others have seats arranged according to more modern methods, which on account of the ignorance of those who planned and made them are but little better calculated to secure comfort or convenience to the pupil. Some are but a poor protection from the cold, and others have leaky roofs. Most of these so-called school-houses are provided with some sort of black-board, but nearly all of them are destitute of maps, charts, globes and other necessary school apparatus. Three are not even provided with a chair. I have in three extreme cases, at the request of some of the more interested inhabitants of the districts, used the authority given me by the statute, to order repairs. As soon as the terms of these orders have been made known to the districts to be affected by them, lawyers have been consulted, and letters written to the Department by those opposed to the execution of the orders. The commotion and vindictiveness occasioned in each instance reminds me of an experience I had when a boy, immediately after thrusting a stick into a hornet's nest.

In several school districts in my commissioner district there is no privy for the school, and as the law now stands, there is no way to secure the erection of these necessary appendages, except through a vote of the district. For the sake of decency, the statute ought to be so amended as to either authorize the commissioner to order privies built, or to compel trustees to build them, in cases where districts are wholly unprovided with them, and the inhabitants refuse or neglect to vote a tax to defray the expense of their erection. I also recommend that when the school commissioner and supervisor find it necessary to condemn a school-house and order a new one built, that they be authorized to specify a sum to be expended in the erection of a new building not to exceed two per cent. of the assessed valuation of all the property taxable in the district. The present law relating to this matter is of no value except in weak districts.

The fall terms of schools are not generally commenced until after the annual meetings, and hence most of the schools have vacations through September and the first two weeks in October. It would be productive of more good to the children to elect trustees or school boards in August, so that schools could be commenced the first Monday in September. It would also, in my opinion, be better to

extend the legal school year to thirty-two weeks, and to apportion one-third of the public money in proportion to aggregate attendance instead of average attendance, as it is now apportioned. I also suggest that the commissioner be authorized to classify the schools under his charge into three grades, as he now does the teachers, and that trustees or school boards be prohibited from employing any except normal graduates, teachers holding State certificates or commissioner's certificates of the first grade, in schools classified as first grade.

In March and April and in September of each year, I hold examinations in each town of my commissioner district, to accommodate candidates for licenses to teach. These examinations are advertised for two weeks in the local papers, and they are generally held in the district school-houses in the principal villages. They are partly written and partly oral, and for certificates of the second and third grades, they are made in the following subjects, viz.: reading and definition of words, spelling, penmanship, arithmetic, grammar and analysis, United States history, civil government and methods of teaching. Candidates for certificates of the first grade are examined in algebra and physiology in addition to the above subjects. They are also required to have taught successfully, at least, three terms, and are expected to have some knowledge of the natural sciences, general literature and school law. The examinations for this grade are much more difficult than for the others, and are generally made in my office. Written examinations are made in spelling, arithmetic, grammar and analysis, geography, algebra and physiology. In the other branches, the examinations are generally made orally. All candidates who receive first or second grade certificates are required to pass at least seventy-five per cent. in each subject. Third grade certificates to those whose knowledge or experience is limited generally, permitting them to teach only in small schools during summer terms. I issue but few certificates of this grade, and have no fixed standard for granting them.

During the past school year, I have granted 24 certificates of the first grade; 88 of the second grade; and 13 of the third grade. Forty-nine licenses have been granted to males, and 76 to females. About seventy per cent. of those who present themselves for examination obtain certificates. I have raised the standard of examination considerably during my terms of office. Had I made my examinations, at the beginning of my first term, as difficult as I make them now, I could not have found a sufficient number of persons who could pass them, to fill the schools, without going out of the district or taking persons who would not work for what teachers are paid. I indorse no licenses granted by other commissioners, except those granted by my colleague, commissioner Barnum.

In the matter of granting licenses, I recommend that commissioners be required each year to hold two teachers' institutes, one between the first Monday in February and the first Monday in May, the other between the second Monday in July and the second

Monday in October, these institutes to be kept in session one full week, six days, and one day to be devoted to examination of teachers, the examinations to be made jointly by the school commissioners and the persons appointed by the Superintendent to give instruction at the institute. This course would relieve commissioners from the importunities of the friends of teachers, and have a tendency to make teachers more thorough in preparation for their work; it would also cause them to attend the institute. I sincerely believe that an amendment to the school law, in accordance with the above suggestions, would do much toward elevating the district schools throughout the State. The responsibility which rests upon the commissioner respecting granting licenses is a very grave one, and while the office is obtained through the votes of the people, he will have incentives to laxity in this part of his duties. Dividing this responsibility, and placing a portion of it in hands fully competent to receive it, a little further removed from the people of the commissioner district, has but few objectionable features that I can see, and if space would permit, I could say much more in favor of it.

Three normal graduates, and several persons who have attended one of the normal schools for one or more terms, have taught in my commissioner district, from time to time, since I have been commissioner. These persons do more systematic and better work than those educated in the academies and common schools. I believe that special training is as necessary to qualify persons to teach as it is to fit them to practice law or medicine. To give this training is the object of the normal schools. I believe that they are accomplishing the object, so far as with the present opportunities they can, and that they should be supported, encouraged and made as effective as possible. I urge young persons to attend these schools, and avail themselves of the advantages which they present. That there are persons who, without any special training, have succeeded well and even attained distinction as teachers, is fully admitted. These persons are natural teachers, and from them the best trained teachers may frequently learn what may be of advantage to themselves, but the number in this class is small, and most schools must be supplied with teachers from other sources.

There is one academy, the Liberty normal institute, in my district. At present it is under charge of John Dwyer, a graduate of the Albany normal school, and has about sixty pupils in attendance, most of them from the village of Liberty and its immediate vicinity. About the same studies are pursued as in our best district schools. If a good school were supported by the district which includes the village, the academy would soon cease to exist.

The teachers' institute for Sullivan county was successfully and satisfactorily conducted by Prof. C. T. Barnes and Prof. C. H. Northam. The institutes held in this county have undoubtedly done more toward preparing the teachers for their work than all other means combined. Teachers who attend them regularly are much more successful than those who do not, yet institutes are not

popular among the people of the county, or at least not in my district. Very few trustees are willing to pay teachers' wages while attending the institute, and many of them contract with the teachers in such a way that they either compel them to stay away from the institute, or lose their time while attending. Some teachers easily find excuses for staying away. The one most reasonable and most urged is that the wages paid to teachers is so small that they cannot afford to attend; but if they could not obtain a license without attending, they would easily find means to be present.

In most of the villages, and in some of the large farming districts of my commissioner district, there is considerable interest taken in the schools. Intelligent men are elected trustees, competent teachers employed, and in some instances, they are kept for several years in succession. I think it is the intention in most districts to support a fair school during the winter; but ignorance, penuriousness and a variety of other causes frequently prevent the accomplishment of even this. For summer terms, trustees outside of the villages are generally anxious to employ any person who will teach cheap, regardless of qualifications, ability or any other consideration, except that of holding some sort of license to teach, that will legalize the school; and trustees and patrons of schools frequently urge the commissioner to grant certificates to persons who they know are not qualified, simply because they are willing to spend their time in the school room for a mere trifle.

Respectfully submitted,

JOSEPH TAYLOR,

School Commissioner.

PARKSVILLE, November 12, 1880.

TIoga COUNTY.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—Your circular of July 20 requires a written report of the condition and wants of the schools under my jurisdiction, with such other matters relating to the cause of education as my observation and experience may suggest.

In compliance with your directions, I respectfully submit the following:

There is but one commissioner district in this county, composed of nine towns and 165 school districts, 151 of which have their school-houses situated in this county.

We have four academies and three union schools in this district. The academies are located at Owego, Waverly, Candor and Spencer. Of the union schools, one is located at the village of Nichols,

employing three teachers; one at Tioga Centre, employing three teachers; the other was established during the present year, and is located at the village of Apalachin in the town of Owego. These schools are all supplied with experienced and competent teachers, and are rendering valuable aid, not only to those desiring to become teachers, but also to those seeking a business and classical education. Besides these, there are six district schools in the county, where two teachers were employed for a period of 28 weeks or more during the past year. I am able to say, in relation to the schools under my jurisdiction, that prospects are flattering in most respects, and thorough instruction is characteristic of nearly all.

With the large number of schools under my charge it is almost impossible for me to visit each school twice in one year, unless my visits are mere "calls."

However, during the past school year, I have made 284 visits.

The following tables contain statistics taken from my abstracts of trustees' reports for the years 1879 and 1880.

TOWNS.	Districts.	Children between 5 and 21 years of age.		Aggregate attendance.		Average daily attendance.	
		1879.	1880.	1879.	1880.	1879.	1880.
Barton	20	1644	1788	1489	1488	825.599	777.453
Berkshire	8	889	466	817	848	184.605	191.014
Candor	26	1324	1297	1183	1066	566.264	580.325
Newark Valley	14	761	759	665	659	364.094	382.529
Nichols	12	526	474	398	388	225.588	228.568
Owego	37	3038	2903	2269	2436	1,340.047	1,325.445
Richford	13	442	422	358	390	196.974	201.239
Spencer	16	673	681	580	583	261.974	316.620
Tioga	19	1042	997	836	849	475.287	472.180
Total	165	9839	9736	7995	8200	4,440.432	4,475.423

This comparative exhibit shows that the number of children between the ages of five and twenty-one years is 103 less than in 1880, than in 1879, the number in attendance greater by 205; and the average daily attendance 34.991 more.

There were 199 licensed teachers employed at the same time for 28 weeks or more during the year ending September 30, 1880; nine were licensed by the State Superintendent and 190 by local officers.

EXAMINATIONS.

In the month of March, examinations were held in seven of the nine towns of the county, and another examination held at Owego, during the session of the institute in August. Applicants for certificates were examined in the following branches, viz.: Reading — accent, diacritical marks, emphasis, inflection, pronunciation, spell-

ing, letter writing, geography, English grammar, American history, civil government, methods of teaching, arithmetic, mental and written, penmanship and composition. I have licensed in all 281 teachers, 22 of the first grade for three years, 193 of the second grade for one year, and 66 for one district only and for term of six months.

I append herewith a list of questions used in last examination :

GRAMMAR.

75 Credits.

 Required in parsing, (1) the *part of speech* and classifications; (2) the *modifications* [*properties or accidents*]; (3) *syntactical relation* of each word designated

(Name the grammar with which you are most familiar.)

1. "Wig is abridged from *periwig*, which comes from the
 2. Low Dutch *peruik*, which has the same meaning. When
 3. first introduced into the English language, it was writ-
 4. ten and pronounced *perwick*, the *u* being changed into
 5. *w*, as may be seen in old English books."
1. How many nouns in the above ?
 2. Give syntax of each noun in line 4.
 3. Parse *as*, line 5.
 4. Give the syntax of the participles.
 5. Abridge the first sentence to its simplest form.
 6. What is the chief object of the study of grammar ?
 7. From what language is the English mostly derived ?
 8. What is an idiom ? Give an example.
 9. Write and number (*a*) a declarative, (*b*) an interrogative, (*c*) an imperative, (*d*) a simple, (*e*) a compound and (*f*) a complex sentence.
 10. Of what two kinds is "If I will that he tarry 'till I come, what is that to thee ?"
 11. Parse *will*. Tell the mode of *tarry* and *come*.
 12. Why are there properly so few tenses in the subjunctive mode ?
 13. What is the difference in *time* and *meaning* of "If I were invited," "If I was invited," "If I had been invited."
 14. In "I bade Joe cheer up and be a man," give the *mode* of the last two verbs and the *case* and *syntax* of the nouns.
 15. Rewrite the sentence fully in the passive voice.
 16. Write the names of the parts of speech represented by that, and give the syntax of Nos. 1, 2, 3 and 9 in the following :
 John said, in speaking of the word that, ¹that, ²that, ³that, ⁴that, ⁵that, ⁶that lady ⁷parsed ⁸was ⁹not ¹⁰that, ¹¹that, ¹²that, ¹³that question called for.
 17. What question does a cardinal number answer ?

18. Give the *syntax* and *rules* for governing *whatever* and *man* in, "I dare do whatever becomes a man."
19. In the following, correct what you think wrong and give a rule or reason for each correction:
 - (a) I should like to have gone. (b) They believed it to be me (c) I remember some years since to have done it. (d) I do not doubt but what he will pass. (e) He said air had weight.
20. Rewrite the sentence, "He wept for his sister," five times, inserting *only* in a different position each time. Explain the variation of meaning, and tell the part of speech of *only* in each sentence.

HISTORY AND CIVIL GOVERNMENT.

100 Credits—75 Required.

1. Give an account of the surrender of Lord Cornwallis. (5 pts.)
2. Give the early history of New York State. (5 pts.)
3. How was Texas acquired by the United States? (5 pts.)
4. Why was slavery first established in the South, rather than in the North? (5 pts.)
5. What is meant by the doctrine of States' Rights? (5 pts.)
6. Who was Stephen A. Douglass? (1.)
7. (a) Where and (b) when was the first railroad built in the United States? (5 pts.)
8. On what conditions was Missouri admitted into the Union? (5.)
9. What were the chief causes that led to the American Revolution. (5 pts.)
10. What father and son were Presidents? (5 pts.)
11. What is a school district? Name the officers in a school district, and tell the duties of each officer. (10 pts.)
12. (a) What is a county? (b) How formed? (c) Name the offices in Tioga county and give the salary of each officer. (a=2, b=2, c=6.)
13. What are the qualifications of a President of the United States, as defined by the Constitution? (10 pts.)
14. How may amendments to the Constitution of the United States be made? (5 pts.)
15. Of what bodies does the Legislature of the State of New York consist? (10 pts.)
16. What are the qualifications of a member in each branch. (5 pts.)
17. What is the difference between a grand and petit jury? (1 pt.)
18. Who is President of the United States Senate? Can he vote? (1.)
19. Can a member be arrested while Congress is in session? (1.)

20. Can a person hold an office under the United States and be a Member of Congress? (1.)

READING, COMPOSITION, PENMANSHIP, METHODS OF TEACHING.

100 Credits—75 Required.

Answers to Nos. 1 and 2 may constitute Examples of Proficiency in English Composition.

1. What general advice on reading may be given to every one? (5 pts.)

2. What objects are to be aimed at in the study and teaching of reading? (5 pts.)

"God made thee perfect, not immutable,
And good he made thee, but to persevere,
He left it in thy power: ordained thy will
By nature free, not overruled by fate
Inextricable, or strict necessity."—MILTON.

3. What do you know regarding the author of this extract?

4. Define "immutable," "persevere," "ordained," "overruled," "inextricable." (5 pts.; 2 each.)

5. What is the difference between *enunciation* and *pronunciation*.

6. Mark, for pronunciation, according to Webster or Worcester, the following words: *amateur*, *romance*, *albumen*, *fairy*, *laugh*, *blue*, *legislature*, *water*, *bronchitis*, *enervate*. (10 pts.; 2 each.)

7. What is emphasis?

8. What words should be made emphatic?

9. What are inflections?

10. Give a good plan for explaining elementary sounds to beginners.

SPECIMEN OF PENMANSHIP.

"Napoleon left Paris, Nov. 16, 1807; Josephine accompanied him. At midnight of the 15th, at the close of a brilliant assembly in the Tuilleries, he said, in retiring, to an attendant, carriages at six, for Italy."

11. Name and represent the principles used in the construction of the small letters. (5 pts.)

12. With what material should each member of a writing class be supplied? (2 pts.)

13. Describe the best position of the arm, hand and pen for writing. Tell the reasons why they are the best. (5 pts.)

14. Would you use printed copies in teaching writing? Why? (5.)

15. Classify the capital letters on the basis of principles involved, and represent the principles. (10.)

16. Give directions that should be observed closely during the first day of school. (4.)

17. What are the objects of study? (1.)

18. What may be considered as some of the most important qualifications of the teacher? (4.)

19. What is your opinion of the practice of offering prizes to secure high attainments in study? (3.)

20. If a pupil is indifferent about failures, how would you arouse his ambition? (5.)

21. Distinguish between teaching, instructing, informing, and learning. (5.)

22. Can a teacher legally expel a pupil from school? (2.)

23. State the duties of a teacher in relation to the school register before he can collect pay for his services. (1.)

24. State causes for which a trustee may dismiss a teacher. (1.)

25. When and where must the annual school meeting in each district be held? (1.)

SPELLING, LETTER-WRITING, GEOGRAPHY.

150 Credits—110 required.

1. What rule of spelling is illustrated in spelling the plural of *sheaf, money, family*? (3.)

2. What is the distinction between a *vowel* and a *consonant*? (1.)

3. Rewrite correctly and distinctly the following, placing it in the form of a letter, and using the proper marks for punctuation:

Dear sir you will remember my promise to mail a letter to your address soon after my arrival at the island empire of jappan and also my promise to give you a brief discription of this Country. this empire includes the islands of nippon yesso, kiusiu, sikok and many smaller islands these islands are mountainous and volcanic and remarkably picturesk with nummerous bays and chanel hills crowned with anshent temples, high cliffs hung with vines and a highly cultivated country streching inland most of the islands are well wooded with oak burch cypress and Cedar mulberry trees abbound and meny towns and vilagges are suported entirely by the silk culture one of the most valuable trees is the varnish tree, which yealds the milky juise from which japanese varnish is made. Thease islands have a dens poppulahun of about thirty five million soals the dress of all ranks is simimilar in form difering only in collar and matterial and consists of one or more loose gowns fasttened at the waist with a wide belt The japanese excell in the manufacture of gilt and lacker ware They make a grate varrietty of papper some of exkwisit tecksture. reasently the japanese have oppened their poarts to foreiners and even send their own people to euroap and ammerica for the purpose of introducing masheenery and new methods of manufactor and for education

very truly yours

j k l
(20 pts.)

4. What zones have four seasons? Why? (2 pts.; 5 each.)
5. Define mathematical geography—Political geography. (2 pts.; 5 each.)
6. What States *border* upon the Mississippi river? (10 pts.; 1 each.)
7. What States and territories respectively produce the following articles in the largest quantities: gold, silver, petroleum, salt, and sugar? (5 pts.; 1 each.)
8. Name the capitals of the following countries: Canada, Brazil, Mexico, Spain, Asiatic Turkey. (5 pts.; 2 each.)
9. Sailing up the river Seine, from its mouth, what three important cities would you pass? (3 pts.; 4 each; 4 off for each error.)
10. "Philadelphia is in $39^{\circ} 55'$ No. long.; and $75^{\circ} 8'$ W. lat." is this correct? Give reasons for your answer. (2 pts.; 5 each.)
11. What two rivers in connection constitute the longest water route in North America? Where does this route begin and where end? (4 pts.; 3 each; 3 off for each error.)
12. How many States are there in the Union? How many were in the original Confederacy? (2 pts.; 4 each.)
13. What is the great peculiarity of the land in Holland and Belgium?
14. What determines the position of the tropics and polar circles? (2 pts.)
15. State the two principal causes that co-operate to produce the change of seasons. (2 pts.)
16. Give the latitude of the polar circles?
17. A merchantman is to sail from New York city to Manchester, England; discharge cargo and return via Rio Janeiro. Name two *leading articles* exported by the United States, to make up a cargo suitable for Manchester; two from England suitable for Rio Janeiro; two from Brazil suitable for New York. (9 pts.)
18. Bound the State of New York. (4 pts.)
19. Name the counties bordering on the Hudson river—Those of Long Island. (15 pts.)
20. Mention the largest five cities in the State of New York, and name the county in which each is located. (5 pts.)

ARITHMETIC.

100 Credits—75 required.

Whenever possible, *indicate* by signs, the solution, and *express*, briefly, all necessary *computations*. *Numerical answers alone* are not enough.

1. How does the unit of a fraction differ from a fractional unit? (2 pts.)
2. Name and define the terms of a fraction? (2 pts.)
3. Is a fraction a number? (1 pt.)
4. Define the following terms: subtraction; difference; remainder. (1 pt.)

5. Divide 2144 by 32, and explain every step. (5 pts.)
6. Divide 3.7 by 2.5, analyze the process, and deduce a rule from it. (5 pts.)
7. What will be the cost of 35 three-inch plank, 22 feet long, 16 inches wide at \$17.50 per M.? (5 pts.)
8. How much will it cost to carpet a room 18 feet square with carpeting $\frac{1}{2}$ of a yard wide, at \$1.50 per yard? (5 pts.)
9. 33 is $2\frac{1}{2}$ per cent. of what number? (3 pts.)
10. Suppose a cistern has two pipes, and one can fill it in $7\frac{1}{2}$ hours, and the other in $4\frac{1}{2}$ hours: in what time can both fill it, running together? Give full analysis. (5 pts.)
11. B and C can do a piece of work in 12 days; with the assistance of A they can do it in 9 days: in what time can A do it alone? Solve by analysis. (5 pts.)
12. Solve the following by proportion, not using cause and effect: If 42 men, in 270 days, working $8\frac{1}{2}$ hours a day, can build a wall $98\frac{1}{2}$ feet long, $7\frac{1}{2}$ feet high, and $2\frac{1}{2}$ feet thick; in how many days can 63 men build a wall $45\frac{1}{2}$ feet long, $6\frac{1}{2}$ feet high, and $3\frac{1}{2}$ feet thick, working $11\frac{1}{2}$ hours a day? (10 pts.)
13. In a certain township, it becomes necessary to levy a tax of \$4423.2475, to build a public hall. The taxable property is valued at \$916210, and the town contains 150 polls, each of which is assessed 50 cents. What amount of tax must be raised to build the hall, and pay 5 per cent. for collection, and what is the tax on a dollar? What is a person's tax who pays for 3 polls, and whose personal property is valued at \$2100, and his real estate at \$3000? (10 pts.)
14. There is a wall 45 feet high, built upon the bank of a stream 60 feet wide: how long must a ladder be that will reach from one side of the stream to the top of the wall on the other? (5 pts.)
15. (a) How many dollars will purchase 320 pounds of hay at \$6 per ton? (b) How many eggs can be sold for 50 cents and gain 25 per cent., if they cost 20 cents per dozen? (c) Required the longitude of a traveler's starting point, if, on reaching longitude $90^{\circ} 45'$ east, his watch has lost 1 hour, 30 minutes, 45 seconds. (d) Divide six hundred-millionths by two hundred, and then express the answer in words. (e) Reduce $4\frac{1}{2}$ to an improper fraction and analyze the operation. No credit will be allowed unless the analysis is given. (10 pts.; a, b, c, d, e=2 each.)
16. A and B enter into partnership. A furnishes \$240 for 8 months, and B \$560 for 5 months. They lost \$118. How much did each man lose? (5 pts.)

17. Add...	T.	cwt.	qr.	lb.	oz.	dr.
	14	13	2	15	15	15
	18	17	3	13	11	13
	46	16	3	11	13	10
	14	15	2	7	6	9
	11	17	3	10	15	11
	—	—	—	—	—	—

(10 pts.)

18. Is 217 a prime or a composite number? (1 pt.)

19. Sold 2462 feet of boards, at \$7.25 per 1000.

600 feet scantling, at 11.75 per 1000.

1012 feet plank, at 1.25 per 100.

77 feet hewn tim. at .15 per foot.

Write a bill of the same and receipt. The seller may be John Smith, the buyer James Brown. (10 pts.)

SCHOOL-HOUSES.

Only two new school-houses have been built during the past year, but both of these are fine structures and reflect much credit upon the inhabitants in the districts in which they are located. One is in union district No. 15, Owego, and the other in district No. 6, in the town of Berkshire. Both buildings have been furnished with patent seats, and the former with fixtures unsurpassed by any union school in the county.

The school-house in district No. 14, in the town of Tioga, has been thoroughly repaired. Other buildings are now undergoing repairs, and still others will either be repaired next year or new ones built.

There are still some school-houses in the county utterly unfit for the accommodation of pupils, but I am happy to state that this number is steadily decreasing.

TEACHERS.

It has been my aim to raise the standard of teachers' qualifications, and thus secure to the schools of the county more efficient and thorough teachers. Very few who engage in teaching do so with the intention of making it a profession, but simply intend to use it as a "stepping-stone" to something better. Hence they are unwilling to incur the expense of three or four years of special training for the limited time which they intend to devote to teaching. However, the teachers of Tioga have welcomed any endeavor on my part to raise the standard of examinations for certificates, and have heartily co-operated with me in this matter. The majority of our teachers are, I think, beginning to understand that there is a theory and an art in teaching, that there is no state of blissful repose in the teachers' ranks, that we must either *advance* or *recede*, rise higher in the scale of good, first-class teachers, or go down below the standard. Certainly it is true that every year brings with it its changes, its improvements; every year requires of the teacher new thoughts, new work.

DISTRICT LIBRARIES.

It seems to me that the days of usefulness for district libraries have long since passed. In nearly every instance the amount of money apportioned to the district for this purpose has been used for the payment of teachers' wages.

Why not require each district to expend this money in purchasing school furniture?

TEXT-BOOKS.

The "Text-book" law has worked well here. We have a uniformity throughout the county, and all we want now is to be let severely alone.

EDUCATIONAL MEETINGS.

The annual meeting of the Tioga county teachers' association was held at Spencer, April 29, 30, and May 1, 1880. There were about 200 teachers in attendance, who were provided with free entertainment by the good people of Spencer. A general interest in all the exercises was manifest on the part of the teachers, and we believe that a larger and more profitable session of the association has never been held in Tioga county. The following programme was carried out with one or two exceptions.

PROGRAMME.

Thursday Evening, 7:00.

- Chorus.....
 Address of welcome.....
 Rev. STEPHEN VORHIS, President Board of Education, Spencer.
 Reply.....
 By President of Association.
 Vocal solo..... "When the Tide Comes in."
 Miss ALLIE SHEPARD.
 Class in Calisthenics from Candor Schools.....
 Conducted by Principal G. L. GRAHAM.
 Select reading..... "A Royal Princess."
 Miss CARRIE HEDGES.
 Vocal solo..... "Two Languages."
 Miss ANNA L. PERKINS, Waverly.
 Lecture..... "Wanted, A Man."
 Rev. A. L. SMALLEY, Waverly.

Friday Morning, 9:00.

- Opening exercises.....
 A Lesson in Civil Government and why it should be taught.....
 Prof. H. H. HUTTON, Waverly.
 Class exercise in American history.....
 Principal F. J. VOSE, Spencer.
 Paper..... "Are you a Teacher?"
 Principal E. C. BARTO, Nichols.
 Class exercise in geography; town and county.....
 Miss NELIA S. LOTT, Spencer.
 Paper..... "School-room Elocution."
 Principal F. H. FENNO, Smithboro.
 Class exercise in primary reading.....
 Miss CARRIE HEDES, Spencer.
 Paper..... "What to Teach, and How."
 Principal A. P. MINTURN, Newark Valley.
 Class exercise in elementary geography and intermediate reading.....
 Miss HELEN BUSH, Candor.
 Exercise in elementary botany.....
 Principal G. L. GRAHAM.

Friday Afternoon, 1:30.

- Class exercise in impromptu composition and letter-writing.....
Miss MARY J. LEWIS, Waverly.
- Qualifications of Teachers.....
Comr. A. B. HUMPHREY, Ithaca.
- Paper: "Why is the study of English grammar disliked in country schools?
What is the remedy?"
Principal L. O. EASTMAN, Richford.
- The "Quincy Method" of teaching geography. Illustrated by the use of the
moulding board. Also, a lesson in language.....
L. C. FOSTER, Superintendent of Schools, Ithaca.
- Paper....."How to Teach Primary Reading."
Prof. A. M. DRUMMOND, Owego.

Friday Evening, 7:30.

- Chorus.....
By pupils from Spencer schools.
- Recitation....."Mother and Poet."
Miss ANNA L. LEWIS, Waverly.
- Vocal duet....."The Hunter's Song."
Misses HUTTON and WILCOX, Waverly.
- Recitation....."Kentucky Belle."
Miss ANNA J. ATWATER, Waverly.
- Vocal solo.....
Miss ANNA L. PERKINS, Waverly.
- Lecture....."Educational Fallacies."
FRANK S. CAPEN, A. M., Professor of Mathematics, Cortland Normal School.

Saturday Morning, 9:30.

- Opening exercises.....
- Class exercise.....How to teach common fractions and percentage.
Principal E. C. BARTO, Nichols.
- Paper....."The Teacher's Mission."
Miss IDA A. CLARKE, Waverly.
- Class exercise: Analysis and parsing; difficult construction of infinitives and
participles.
Miss FANNY SWARTWOOD, Waverly.
- Elementary sounds of English language, with diacritical marks.....
Prof. H. H. HUTTON, Waverly.
- Class exercise in advanced reading.....
Principal E. C. BARTO, Nichols.
- Election of officers and appointment of committees.

We cannot speak in too high terms of our teachers' institute held in Owego, beginning August 16th and continuing one week. The instruction given by Professors De Graff and Lantry was of the right kind, and covered the *practical* work of the school room. The verdict of the two hundred and fifty teachers present was, that they were well paid for attending the institute.

With such instructors as we have had in attendance at institutes in this county, during my term of office, there is no question as to the beneficial results obtained from holding a teachers' institute. Each visit among the schools of this county more fully convinces me of the necessity of special preparation and training on the part of teachers before attempting to teach. Graduates of normal schools,

and teachers who regularly attend teachers' institutes, afford ample proof of the superiority of the trained over the untrained teacher, and furnish positive evidence of the good which these institutions are accomplishing for our common schools.

In conclusion, I beg leave to return thanks to the school officers, and the public generally, for their kindness and hospitality, and to the Department for favors received.

Your obedient servant,

H. W. CHILDS,
School Commissioner.

OWEGO, November 15, 1880.

TOMPKINS COUNTY—FIRST DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In compliance with your instructions, I herewith submit my report concerning educational matters in this district.

With your instructions for a special and general report of the condition of education, as seen from a commissioner's standpoint, and considering the fact that no report of the kind has been made from this district in many years, I may have added more supplementary egotism than is *directly* to the point. My aim has been to present the true condition of affairs, without varnish, dwelling more upon defects than in flattering successes. I could add many pages in "glorifying" our common school system, but I leave that to others, with the simple remark that, with all its defects, the product of the common schools is not inferior, in all that goes to make up a valuable citizen, to that which is city trained. After all, in times of *distress* and *distrust*, the country looks to the rail-splitting sons of toil, and to those trustworthy patriots who have received their fundamentals in *education*, and in *character*, in the much abused country schools. Any biography of the Nation's sturdiest men will furnish corroborative evidence of their rural grounding in essentials to success, and will illustrate beautifully the sources that lead FROM THE RAIL-PILE, THE TANNERY AND THE TOW-PATH, TO THE WHITE HOUSE.

JUST DOWN FROM THE HILLS AND THE SCHOOL-HOUSE.

During the past year, I made 167 official visits to schools, usually averaging a half a day in each school, but spending more time with the younger teachers, when I *knew* from personal knowledge what the more experienced teachers were doing. I calculate *to visit every school at least once every term*. This I have practically accomplished ever since I became school commissioner. When I

came into office the winter term was half completed and, though giving my whole time to it, I only reached half of the schools that winter. Since then I *have visited every district every term*. In two or three cases, each term, the schools had closed before I arrived.

I found during my first official visits, that more attention was given to arithmetic than to almost all the other studies combined. The children seemed to choose this in preference to any other study, receiving more encouragement at home to study this branch, since it is popularized as a "bread-and-butter study." I estimate that eighty-five per cent. of the pupils enrolled in the rural schools were studying arithmetic in some form; while only about ten per cent. were taking an indifferent interest in an endeavor to learn how to use the English language.

The apparent indifference in some of these districts (both on the part of pupils and parents) to any thing beyond the mere rudiments of "the three R's," impressed me deeply and soon determined my course of action.

I have devoted my best energies to awaken an interest in a broader, deeper education, and have endeavored to arouse much latent talent — seemingly wasting away in obscurity, because of inactivity.

There are too many, even in the Empire State, who seem to think that "if you kin larn a boy figgers he'll git along in the world." They seem to forget that figures are useless unless arranged by thought, and that that which adds to a man's general intelligence is so much toward a passport for "getting on in the world."

It is a common delusion in some sections that a pupil cannot pursue more than one or two studies successfully at the same time. The experience of almost every teacher proves that the child who takes the full quota of studies is not only less troublesome in school, but actually makes greater progress in all his studies than the idler with one study.

To meet the condition of things described above, I have exerted myself to bring about more general interest in education. To encourage and dignify such studies as the English language, United States history and civil government. To train the children to estimate what centuries of struggling, and what treasures of blood this government has cost; and knowing its cost, to think of its value and perpetuate in patriotic purity the privileges enjoyed under it.

I would not be understood as discouraging the study of arithmetic. I wish chiefly to emphasize the need of a broader and more general education. The education that fits a man to take his position as a citizen qualified to defend his business, religious, social and political rights without being wholly at the mercy of demagogues.

Believing as I do that the perpetuity of our institutions depends upon the general intelligence of the masses, rather than the special education of a few, I have urged and insisted that my teachers should possess the qualifications to instruct in the history of our

country and the management of our local and general government. In insisting upon this, I remember that the great mass of our citizens receive no further school training than that which they get in the district schools. They leave school to battle with the world at a great disadvantage. They become the prey of demagogues who are not their equals, except in possessing a superior intelligence in "fixing things" politically, and in yoking in the masses to do the hard work, and to bear an unfair proportion of the burdens of taxation.

With an experience as a teacher in three States and a study of the *results* of school training in many others, I am impressed with our national inconsistency in our ideas of educational training. We boast of free speech, free ballot, free press and free schools. What have we to show for it *in proportion to our possibilities*?

Our government is founded upon the general intelligence of the masses and their familiarity with our institutions. Here, if I am not mistaken, our school training is deficient. Our teachers are not properly qualified, and the attention given to United States history, civil government and general intelligence is altogether disproportionate to the end in view. Our training of the masses is too technical and narrow, too much in a groove. We give the masses very little to extend their intellectual horizon beyond content with existing evils, and we leave them to grow fat with shiftless complacency.

To remedy, in a measure, the defects noted above, which, by the way, are not confined to this locality, I have directed my efforts particularly during the past year. First, insisting upon the teachers qualifying themselves; and secondly, seeing that they carried out this idea in the school room as much as possible.

Though the results are crude in the abstract, I feel doubly repaid for these efforts; and am thoroughly convinced that they are appreciated by the teachers, pupils and parents. In many cases where I have been most severe in my demands, pupils and teachers have come to my aid and have expressed their approbation of this course. I am satisfied that the results of pushing such studies as United States history, civil government, and a practical use of the English language, will justify even severe measures. The idea that it cannot be done without interfering with some of the immediate bread-and-butter studies is erroneous. It *can* be done even in the most remote country schools. If not *with* books, then *without* books and by oral instruction, taking a half hour per day, with a free use of the blackboard. In this district, instruction in civil government was formerly the exception; now it is the rule. Hundreds of copies of Northam's Civil Government are scattered among the districts, furnishing a wholesome source of thought for all who consult them. My teachers are more or less familiar with the political machinery of the State and Nation.

While visiting schools I stop with the farmers and people in the districts, whose hospitable doors I always find open. In this way I

have gained a valuable opportunity to talk up educational matters with the people. It gives me an insight into their needs, thoughts and public sentiment generally. From this personal association I find education to be dearer to the masses than I had supposed; the mother being particularly anxious that their children should have the very best advantages that their means will allow. In many instances personal sacrifices are made on the part of parents that their children may enjoy educational privileges which they did not have themselves.

I find them as a rule very willing to acquiesce in educational improvements when proposed and pushed to completion; but from fear of impositions are not active in aggressive measures for needed improvements. Opposition frequently arises not so much against the cause of education as from ignorance of the value and importance of proposed changes. First, show a community the necessity of improvements, and convince them that they are making a good investment, and that they are getting the worth of their money, and really honest opposition subsides. *Malignant stubbornness* requires hyperdermic treatment.

OVER THE HILLS IN BOOTS AND AFOOT.

I ride "in boots" and travel afoot. Have not had a horse, except upon urgent occasions. I cannot afford to keep a horse with my present salary, and make sure of subsistence in superannuation. I have given my whole time to the duties of my office and in endeavors to keep up with the times. Thus far I have not conducted nor attempted any other business. Strange as it may seem, I left a more lucrative business to accept this office, because of preference. I like the business, and would cheerfully devote my life to educational work could I but see good health and a tolerable existence ahead. The history of commissioners in this State seems to prove that sooner or later they are compelled to recognize the uncertainties of the office, and turn instinctively to professional or other pursuits for stability of income and the necessities of life. It is a hard, wearing life, and the man who throws the necessary energy and means into it to succeed, finds himself superannuated at middle life and without a pension. The tenure of office is too doubtful and the salary too meagre to secure and keep a well trained corps of commissioners. I believe in the measures advocated before the Auburn convention last December.

1st. That higher qualifications should be required of commissioners.

2d. That the work should be equalized as much as possible throughout the State.

3d. That the salary should be increased to correspond with the quality and amount of work required.

STATISTICAL.

	1876.	1877.	1878.	1879.	1880.
Number of school districts.....	83	83	83	83	82
School departments.....	99	99	100	102	105
Teachers employed.....	110	110	112	114	114
Population of the district.....	20,000	.....	.....	.....	21,014
Children of school age.....	5,882	5,881	5,837	6,025	5,976
Enrolled in the schools.....	4,774	4,697	4,832	4,756	4,756
Per cent. enrolled.....	81	79	83	79	80
Average attendance.....	2,691	2,664	2,750	2,780	2,887
Per cent. of attendance.....	56½	56½	56½	58½	60½
Different male teachers employed.....	54	51	46	44	53
Different female teachers employed.....	133	134	142	141	132
Total number different teachers.....	187	185	188	185	184

During the year, I annulled one district, and condemned one school-house.

Those teaching last year were licensed as follows:

By the State Superintendent (appointment)	7
By the State Superintendent (examination)	...
By normal schools	11
By special superintendent of Ithaca	29

By the school commissioner:

First grade	none
Second grade	73
Third grade	64

Total 137

Grand total 184

I have issued certificates since October 1st, as follows:

First grade	14
Second grade	40
Third grade	28

Total 82

I estimate the total number of different teachers teaching in this district this year at 140.

TEACHERS AND CERTIFICATES.

Certificates are not given in this county, except upon actual examinations.

An annual examination, for the teachers of both commissioner districts, is held during and following the fall institute. Examinations are also held in the several towns in March and April. These spring examinations are designed more particularly for the accommodation of those wishing to teach during the summer terms only. I sometimes think that it would add to the professional dignity of teachers, and the value of certificates, to have only *one* examination for certificates during the year. Applicants for certificates would not depend so much upon the "chances" of passing the examination. They would appreciate more fully the importance of something more than superficial preparations. The present method of awarding the State certificates unquestionably enhances their value. Imagine the absurdity of his excellency, the State Superintendent of Public Instruction, being importuned, every time he turns a corner or alights from a car, to "please give me a private examination for a State certificate." And yet this is just about what commissioners are expected to do. Private examinations are very unanimously discouraged in this county. The commissioners of Tompkins have taken the ground that a certificate that is worth

having — a certificate that a commissioner may experience a feeble sensation of official pride in signing — is certainly worth earning. They also believe that there is a minimum point in “book knowledge” if you please, or in mastering certain fundamentals, above which every applicant should pass in order to be an *eligible candidate* for a certificate.

EXAMINATIONS.

Examinations for certificates are both oral and written and include the following subjects, viz.: Arithmetic, English grammar, spelling, geography with map drawing of State and county, reading, penmanship, elementary sounds of letters, United States history, civil government, methods of teaching and school law. A standing of seventy-five per cent. is required for a certificate of the third grade. Other grades based more upon actual success in teaching and qualifications for higher positions sought. (Hereafter we shall require a standard of eighty per cent. in “*Gumption.*”)

A rigid adherence even to this standard has very materially changed the corps of teachers in this county. Though the teachers are younger as a class, they are much better *prepared* for their work, and with experience, better results may confidently be expected. Many teachers complained bitterly at first, because they were required to make up deficiencies. Now some of them are the most enthusiastic advocates of a “higher standard of qualifications.”

Of their *own* accord, at the last meeting of the first district teachers’ association, the teachers thanked the commissioners for the position taken; and went a step beyond, in *demanding* that we should add still other requirements to the list.

Knowing that there is as much variation in the value of certificates as there was once in the fluctuating value of “wild cat money,” we have refused to indorse certificates, or to ask others to indorse ours, deeming it simple justice to protect our own teachers and give all parties the privilege of competing upon a fair basis. The commissioners of this section are gradually coming to something that looks *toward* uniformity. It would be a great step forward if we could have some system that would enhance and equalize the value of certificates throughout the State.

The revival of business interests which now offers more lucrative and permanent employment, and also the additional requirements for teaching, have very materially diminished the number of teachers. I have found considerable difficulty in finding a sufficient number of competent and willing teachers to fill the positions in my winter schools. Some of my trustees have traveled over the country for four and five days without being able to secure a duly qualified teacher. This is quite a contrast to the days when a trustee could find a dozen on his front stoop on the morning after school meeting, each vying with the others for the humble privilege of being “the *lowest* bidder.”

One of the greatest obstacles that a commissioner has to deal with

is the transient and migratory element so prevalent among teachers. The compensation is so *lean* for the labor performed, and the inducements so few for making it a profession, that it is difficult to retain a corps of good teachers, no matter how much care is given to their training. So long as bread remains a temporal commodity, and so long as no substantial provision is made for our teachers, just so long may we expect them to be little more than educational tramps, traveling the circuit of circumstances.

TEACHERS' ASSOCIATION.

We have a very thrifty teachers' association which has done much to stimulate better work. It affords the teachers an opportunity to come together and compare notes based upon *actual experience* with different methods. The association meets twice a year. At the last fall meeting there were over 300 teachers present, which is probably as large proportionately as any similar gathering ever assembled in this part of the State. The following programmes were carried out to the letter, at these meetings, and without a single failure :

Meeting of the First District Teachers' Association, of Tompkins county, in Ithaca, Friday and Saturday, November 28 and 29. 1879.

PROGRAMME.

Friday, 10 A. M., at Library Hall.

Opening Exercises.....	
Paper.....	New Methods of Teaching, Reading and Spelling. TIMOTHY HUTCHINS.
Class Exercise in Primary Reading.....	
Paper.....	MISS DELLA NEWMAN.
	Principles of Teaching. MISS LAURA DOTY.
Qualifications of Teachers.....	
Calisthenics.....	Prof. JAMES JOHONNOT.
	Conducted by Miss ELIZABETH BILLS.
Paper.....	Thought and Expression. MISS CORA A. CURRAN.
Easy Experiments in Natural Philosophy and Chemistry.....	
Paper.....	MISS BELLE SHERMAN.
	How to Teach History. CHARLES M. McKEEGAN.

Friday, 2 P. M., at the Anatomical Lecture Room of the Cornell University.

Illustrations of the Use of the Cat in Physiological Teaching.....	
	Prof. B. G. WILDER, M. D.

Friday Evening, 7:30, at Library Hall.

Lecture.....	"On the Philosophy of Object Teaching."
	JAMES H. HOOSE, Ph. D., Principal Cortland Normal School.

Saturday, 9 A. M.

Paper.....Science and Art of Teaching.
Principal JAY W. CHAPMAN.

Use of the Globe...
Prof. R. E. POST.

Class exercise on the geography of New York State.....
Class exercise in numbers.....

Miss ESTELLE UPDIKE.

Some reasons why U. S. history and civil government should be taught in our schools.

Commissioner A. B. HUMPHREY.

Paper: Why is the Study of English Grammar disliked in Country Schools?
What is the Remedy?

CHARLES A. POTTER.

Paper.....Teaching English Grammar.
DANA RHODES.

Class exercise in language.....
Miss CARRIE RICHARDSON.

Saturday, 1:30 P. M.

Paper.....Common School Teachers and Their Influence.
Prof. D. O. BARTO.

Teaching penmanship.....
F. D. WILLIAMS.

Class exercise in reading and Impromptu composition.....
Mrs. L. C. BROWN.

The improvement of the teacher's leisure hours.....
FRANK W. CARMEN.

The "Quincy method" of teaching geography. Illustrated by the use of the moulding board.

Superintendent L. C. FOSTER.

Music will be furnished by pupils from the public schools, under the direction of Miss Candee.

NOTICES.

Teachers, trustees, members of the Board of Education, and all others interested in the cause of education, are cordially invited to be present and take part in the exercises.

A discussion of the subject presented is expected to follow each paper read, as time will allow.

Free entertainment will be furnished to teachers attending the meeting.

OFFICERS.

President — Supt. L. C. FOSTER, Ithaca.

Vice-President — LEVI HOLLISTER, Danby.

Recording Secretary — MONTGOMERY FARLING, Ithaca.

Corresponding Secretary — Miss ADDIE NEWMAN, Ithaca.

Treasurer — FRANK W. CARMEN, Jacksonville.

Commissioner of First District — ANDREW B. HUMPHREY, Ithaca.

SPRING MEETING.

*First District Teachers' Association, High School Building, Ithaca.
N. Y., Saturday, May 15, 1880.*

PROGRAMME.

1. Teachers' qualifications.....A. G. GENUNG, S. Danby.
2. Geography without a text-book..Miss ARVILLA H. STARKWEATER, Ulysses.

3. Exercise on map of Tompkins county, Miss HATTIE J. CREQUE, Trumansburg.
4. Class exercise in primary reading from script.. Miss LAURA DOTY, Ithaca.
5. Personal influence of the teacher.....L. H. HOLLISTER, Danby.
6. Class exercise in language.....Miss JOANNA PUFF, Danby.
7. A graduating system for country schools.....Comr. A. B. HUMPHREY.
(Discussion of the foregoing topic.)
8. Class exercise in numbers Miss KATE HUMPHREY, Ithaca.

The exercises *will begin* promptly at 9 A. M., and will probably close at 4 P. M. It is hoped that all will come prepared to discuss briefly some one, or more, of the subjects presented.

While the teachers of this district are particularly urged to attend, a most hearty invitation is extended to *all* the teachers of this and surrounding counties. All teachers, trustees and citizens will be cordially welcomed.

L. C. FOSTER, *President.*

ADDIE NEWMAN, *Cor. Sec.*

A. B. HUMPHREY, *Commissioner.*

ITHACA, May 4, 1880.

SOURCE OF SUPPLY OF TEACHERS.

The present teachers have almost, without exception, had some of the advantages of "the higher education." The schools furnishing most of the teachers being the Ithaca high school and the union schools at Trumansburg and Newfield, respectively. With Ithaca in the center, and a union school at each end of my district, I consider the chances for a well informed corps of teachers to be very promising. I might add that these schools have been formed and graded within the past decade. The results will show more hereafter.

The "teachers' classes" organized at Ithaca and Trumansburg last year were crowded with young teachers and others wishing to qualify themselves more thoroughly for educational work. The work done by these classes was very satisfactory on the whole, and furnishes abundant proof to my mind of the wisdom of establishing such classes by State aid. In these classes I see the future teachers, and I am deeply impressed with the *possibilities* of such classes throughout the State. I think the State should guard very jealously their management. *Special* attention to, and instruction for such classes should be insisted upon. They should be made practically normal institutes for a continuous session of ten or twelve weeks.

I have learned to appreciate the importance of our academic and high school departments in considering their close relations to our common schools. Of the *thirty thousand* teachers engaged in the State last year, less than nine hundred, or less than three per cent., were normal school graduates. It is perhaps safe to say that ninety per cent. of our teachers never receive any further than a home, academic or high school instruction. Since these schools must furnish, for many years yet, the great mass of our teachers, the necessity of fostering them carefully becomes apparent to the most casual observer.

THE NORMAL SCHOOLS.

The normal schools do not reach the common schools *directly* to any appreciable extent. Of the one hundred and eighty-four teach-

ers employed last year, only *eleven* had received normal training, and only *one* of these taught in a common school. The others were in the graded schools, four being located where they had a chance to influence those thinking of teaching, one having partial charge of one of the teachers' classes.

The only perceptible influence of the normal schools comes in very homœopathic quantities through the graded schools. Educators in this locality are prompt to acknowledge the excellent work done by some of our normal schools, but there is some question as to whether they are accomplishing the work designed in their establishment. They are not popular with the masses. Their influence is very limited. They are not largely patronized. The prevailing opinion seems to be that the State of New York is not suffering so much for instruction in foreign and dead languages (as good as they are in their time and place), as for a more thoroughly American, a practical English course of instruction adapted on the best plan to effectively reach and intellectually arouse the dormant masses of the *present* generation. The central idea of doing the greatest number the greatest good should not be lost sight of. In our busy age few can spare years of maturity for attaining scholarship. What they get of preliminary education must be gained in youth, hence they are entitled to teachers trained in branches of learning that will arouse enthusiasm and furnish a wider intellectual horizon. Give them more of the natural sciences and history. The plan, already advanced by one of the normal schools, of a shorter and more practical course, was a step toward the people on the part of the normal schools. How far it can go without disintegration, or without too great a sacrifice of scholarship, is a question for serious thought. Subject-matter and methods work well together, like a pair of shears, but the normal schools are doing a large amount of work that ought to be mastered in our high schools and academies, where instruction can be had at less cost and inconvenience to the individual, and with less expense to the State.

THE TEACHERS' INSTITUTES.

The "teachers' classes" and "institutes" seem to be a more potent means of producing *immediate* results upon a scale proportionate to the great and pressing demand in the training of teachers for the *common* schools. Though one week is a brief time for an institute, the results have been surprising. The teachers' institute has this advantage; in that, if properly managed, it draws out nearly *all* of the teachers of the county at least once a year, enabling the commissioners and instructors to "*get at* some of the hard shells" and convince them that the world is moving, and to create within them a *desire* "to see the wheels go around." This association of old and young teachers of the conservative and the radical element, in the teachers' institute, even for a week, is very conducive to thought and reflection. The old teachers are astonished at the results of the use of *some* of the modern methods, and soon discover the way out of the old channel.

The institutes held here for the past ten years have done much toward introducing improved methods in education into this county, and in stimulating and encouraging independent thought and action among our teachers.

The institutes conducted last year by Professors De Graff and Lantry, and this year by Professors Kennedy and Post were particularly interesting and instructive. Of the 230 teachers in attendance at the institute of 1879, about 150 were from this district; of 200 teachers in attendance in 1880, 125 were from this district.

The discipline maintained at our institute is that of a well regulated school. Our last institute occurred at a fortunately unfortunate time. County fair, firemen's annual parade, several interesting conventions, theaters, political meetings, and numerous entertainments were in full blast every evening; *but the teachers, to their credit be it said, stood firmly by the institute throughout the week.* With several bands and a drum corps playing in front of the hall, none rushed to the windows, and only two left the hall "to see the elephant." Though the deafening racket outside made it impossible to go on with the institute exercises for many minutes, the teachers maintained army discipline in their respective places. In this connection it should be remembered that *not* every country teacher has the chance and means to attend city entertainments "all the year round," hence the temptation to make the most of current opportunities.

TRUSTEES.

The old customs of having three trustees is being very surely superseded by the "one trustee" system. It seems to be the prevailing sentiment, that *one* trustee carefully selected will attend to the business in a more satisfactory manner than three. Then too it is a very simple matter to locate responsibility when only *one* man is responsible. Extra pains were taken by some of the districts at the last annual meeting, to select good men for trustees. On the whole I am quite well satisfied with my present corps of trustees. Many of them have taken advanced ground and have given much valuable time to school affairs.

The trustees have been fairly prompt in sending their reports. This is the rule, but of course there are some very annoying exceptions. I wish I could speak as well of the accuracy of these reports. Were it not for my "teachers' reports" and data collected during official visits, it would be seriously embarrassing to undertake to make a *reliable* abstract from them. I do not think this arises so much from absolute stupidity, as from carelessness and from a lack of appreciating their importance. In far too many instances the answers are mere guess-work or unadulterated misrepresentations. For example, the facts examined will prove the utter unreliability of trustees' reports as to the value of school-houses and sites. Sites containing a quarter of an acre will be reported at \$100, when land next to it is selling for \$50 *per acre*. In some of my towns the valuation of sites is put down at a rate of over \$500

per acre when land adjoining can be bought for *less* than \$50 per acre. This one of many instances would go to show the advisability of dispensing with about half of the questions in our present form for "trustees' reports," and in making a thorough and reliable statistical report *quinquennially*.

I would suggest that the blanks for "trustees' reports" be printed in the school register, just as the blanks for "teachers' reports" have formerly been placed there. They will always be on hand then, and on time. They can be made out at leisure, and the teachers can accurately record such matters as relate to the attendance, etc., as soon as the term closes and before leaving the community. There will be no excuse for not returning them promptly. This plan will also save the double expense of distributing registers and blanks at different times. I think there should be a special register and special blanks for reports for joint districts—making the distinctions so definite that mistakes in reports from joint districts would eventually become the exception, and the reports would be approximately correct.

SCHOOL YEAR AND TERMS.

I think the school year should end July 31st instead of September 30th, and that the annual school meeting should be held on the second Tuesday of August. This would have a tendency to break up the barbarous practice of "keeping school nurseries" open during July and August, when the thermometer is dancing among the nineties.

This change would enable the new trustee to secure a teacher and have, first, a fall term of ten weeks, beginning the last of August; second, a winter term of sixteen weeks, beginning about the middle of November, when the larger pupils could attend—avoiding most of the very unfavorable month of March, and also the first part of April; third, a spring term, beginning about the middle of April and ending July 1st.

This would bring the greatest part of our school work within the months best adapted to mental work and general health. It would circumvent the "berry season" in a measure. Any one familiar with the facts will understand that "berries and hops" are very potent factors in disorganizing our public schools periodically.

EXAMINATIONS FOR COMMON SCHOOLS.

For the purpose of ascertaining more approximately the scholarship in the various schools, of measuring more accurately the work accomplished by the teachers, and for the purpose of arousing more local interest by indicating something to work for, I have announced an examination for next March of the higher classes in all the schools in my district (except Ithaca village).

The examinations will include the following branches for the first examination: Arithmetic, English grammar and spelling, geography

(including outline map of Tompkins county), reading and penmanship. A supplementary examination in United States history and civil government will also be given.

I shall prepare the questions and have them printed. The examinations will be conducted by a committee of teachers appointed by myself, and at one or two places designated in each town, as convenience may suggest. Instructions similar to those sent out with the "Regents' questions" will be issued to the conductors in charge. The committee will examine the papers and report the *results* to me (accompanied with the examination papers for verification, if desired). The papers will be marked on the general plan customary with the "Regents' examinations," and those who reach a standing of seventy per cent. will receive a certificate from the commissioner and the teacher. It is designed, ultimately, to make these certificates a passport for admission to our academic and high school departments without further examination, and also to serve as a "preliminary examination" for those wishing to become *teachers*.

This announcement having been made at the teachers' association last May, has served to stimulate the teachers to take pride in their work, and is an incentive for pupils to ground themselves more thoroughly in "essentials." It will also furnish them a means of measuring their attainments on other than a strictly local scale.

What the results of the examination will reveal cannot be accurately estimated now, but already I see a full justification of the experiment in the increased attendance and *special interest* manifest in some of the schools. Teachers, pupils, trustees and *parents* are becoming interested and look to the coming examination with great expectations for their pupils and children. Whether it is curiosity, novelty, or what not, I think the aroused energy of a thousand pupils and parents will amply justify a fair trial of the above. In its crude outlines, is not this idea a key to a "*something to work for*" in the country schools?

It will be some time before we can grade the country schools; but can we not outline a course of study, and say to *those who voluntarily follow it and comply with the requirements*, "You shall be credited according to the measures you bring."

LIBRARIES.

The school libraries, with a *very* few exceptions, are a standing joke upon that once beneficent institution. In their day they doubtless served a wise purpose, and were appreciated. In former days private libraries in the rural districts were very rare, books were generally scarce and costly. Now, books are cheap and more generally distributed throughout the country. Almost every farm house contains the nucleus of a library. The newspaper has, to a large extent, superseded the library, and furnishes by far the greater portion of reading matter for the masses. Few are the families who do not have access to newspapers.

Ninety per cent. of the districts use their library money for teachers' wages. I think the money appropriated for library purposes should not be used for teachers' wages until the schools are supplied with at least the following articles: 1. Webster's Unabridged Dictionary. 2. A complete set of outline maps. 3. A large map of the United States (revised within fifty years). 4. A map of the State of New York. 5. A map of the county. 6. A terrestrial globe. 7. Charts of vocal elements. 8. Six square feet of good blackboard (*hemlock not preferred*) for every pupil. 9. *Text-books for every indigent child not provided for.*

I will volunteer another suggestion in this connection concerning the disposal of the library fund. For the next three or five years apportion it to each commissioner district for the purchase of standard works on methods of teaching, and school and educational works generally; books that will help to educate our teachers and ultimately reach the people with, by, or through results. The common school teachers cannot afford to buy educational or professional books in preference to bread. Make this a circulating library for *teachers only*, or *first* commission the commissioner as custodian and librarian, and have the books all returned to him monthly, and accounted for by him annually.

If I had this money at my disposal I would see that *every teacher* was supplied with a good educational paper first, then I would furnish them with books calculated to stimulate educational work and make it more efficient. I would like the humble privilege of accounting for about \$500 next year after this manner.

Lastly, but not least in importance, I would call attention to the fact that there are many children in our schools whose parents cannot supply them with necessary text-books. Here is another opportunity for utilizing the library money in a manner that would be entirely consistent with the design of the fund.

SCHOOL-HOUSES AND SITES.

Half of the school-houses in my district are really good; one-third are enduringly comfortable, and the remaining sixth are a standing disgrace. I find the people generally in favor of repairing or building when called upon individually, but taken collectively in their legislative capacity, it is hard to secure effective legislation for improvements. Local quarrels and individual animosities and jealousies are almost sure to thwart the good intentions of the better element.

As to sites, they are almost invariably small, barren and cheerless. I might except ten per cent. In no case can I report a site as too large. So long as the parents persist upon putting a school-house in the little half of a fence corner, so long may they expect their children to make a play ground of their farms. Give the children an acre or two to play in, and then restrict them to it.

SCHOOL DISTRICT BOUNDARIES.

The matter of district boundary lines is a source of constant trouble and embarrassment. Nowhere have I been able to discover

any map or outline of school districts. I can find nothing among the records of the town clerks. The only way to get information is to consult the tax roll, and the "oldest inhabitant" concerning tradition. I think every school commissioner should be provided with material for permanent records and facilities for preserving the same. This record should contain an accurate map of every school district, with the changes indicated from time to time, so that district boundaries may be readily determined. It should also contain an indexed record of all his official acts and orders that may be important. By special and urgent request, the board of supervisors, at their last session, kindly made provision for such a record book to be kept at the county clerk's office. In this record, after I have been superannuated, may be found an account of so much of my official work as may serve to settle disputes arising therefrom. My observation is that many of the local disputes are due to the absence of authentic and official records.

When I took my office, the official property that came into my hands consisted of a copy of the school code. My predecessor moved to a distant State without my being able even to interview him, and I knew little of his official work. I believe in magnifying my office, and I fail to see the impropriety of dignifying the office and recognizing it as a county office; providing it with a decent office for transacting business in a business-like manner.

TEXT-BOOK LAW.

The people are in favor of any law that will prevent frequent and often unnecessary changes in text-books. The Text-book law was not generally understood before the annual school meeting of October, 1877. It was looked upon with suspicion, and in many instances was simply regarded as a new device patented by wily book agents to catch the "dear people." The commissioners and some of the leading teachers made an effort to secure uniformity of text-books for the county in 1877, and accomplished something toward this end. The general opinion among the best educators here is that the Text-book law was a step in the right direction, and that its provisions should be even more stringent.

Perhaps one-tenth of the districts in this county treated the law with more or less contempt, two-tenths simply "resolved that we adopt the books now in use." This was hardly in compliance with the statute which meant that the books should be specified or designated by name. The remaining seven-tenths complied with the law. The question of uniformity amounts to about this in substance; complete uniformity in arithmetics and algebras, substantial uniformity in readers and spellers, three kinds of geographies, uniformity in civil government, chaos and confusion outwitted in grammars and histories.

If the present law remains with *additional measures to enforce it*, I think some good may come of it in the course of time. The law is openly violated now in very many instances.

ENFRANCHISEMENT OF WOMEN.

The recent law enfranchising women as voters at school meetings has led to serious complications in some instances that have come under my observation. The cause of the difficulty seems to be a lack of definiteness in the law as to qualification of voters. The legality of important measures has been made questionable because of illegal votes, which in most cases have been cast with the best of intentions.

From various causes very few women voted at the annual school meeting, and then only in isolated cases. In fact, the voting was mostly confined to districts where some local question was closely and warmly contested; where more or less factional feeling had been stirred up.

APPORTIONMENT OF PUBLIC MONEY.

The present method of apportioning the public money seems on the whole to be a just and fair plan for the *common* schools, not wronging the rich districts and often very materially aiding the poorer districts. The teachers' quota now favors the weak districts. The apportionment upon the whole number of children is a common basis; that upon average attendance in most cases favors those who earn it. I think the number of weeks of school required to draw public money should be increased from twenty-eight to at least thirty. A suggestion has been made by some one to divide the total attendance by the uniform divisor of one hundred and forty days (twenty-eight weeks), to ascertain the average attendance. It would probably serve the purpose better to increase the number of weeks required to thirty, and divide by one hundred and fifty days. Excluding city and union schools from this, or adjusting it proportionately, it would encourage more school time and better attendance in the rural districts.

Most commissioners favor discontinuing fractions in reporting average attendance. I see no appreciable injustice that would occur should all decimals except, possibly, tenths be ignored.

CORPORAL PUNISHMENT AND INCORRIGIBLES.

Corporal punishment is now the exception in this district, where it was once the rule. Teachers do not resort to the rod until all other means have failed. Where the trustee is the right kind of a man, the teachers have little difficulty; for if a pupil is ugly, willful, vicious, in brief, incorrigible, the trustee expels him for the good of the school. That these incorrigibles should not be allowed to run at large is a self-evident proposition to any thoughtful man. For the public good and the welfare of the State and Nation, this embryo class of criminals should be looked after by the State when parental and local influences fail to reach their cases.

I think the establishment of a State school for incorrigibles, as advocated by L. C. Foster, before the association of commissioners

and superintendents at Auburn, last December, would be a step in the right direction. This would serve to restrain boys and girls inclined to incorrigibleness, and afford a means of removing a disturbing, dangerous and ruinous element from the public schools. One very bad boy, like a decayed apple in a barrel, may taint the whole. The removal of this element would relieve the teachers and school officers of an immense burden.

The most serious difficulty that would arise would be in drawing the constitutional line between parental and State rights of authority.

TAXATION AND EQUALIZATION.

As the large fish eat the small ones, so the larger districts have gradually drawn from the smaller ones. The strong have grown stronger and the weak weaker. As proof of this, I would call attention to the assessed valuation of property in each district. Reference to my "first statistical" report for 1880 shows that the assessed valuation of the common school districts varies all the way from \$125,730, with 97 children of school age, down to \$6,420, with 35 children. In the former case, the valuation is \$1,296 per child, in the latter only \$183. Each employs one teacher. The one paid eleven dollars per week for a teacher last term, and had *thirty-eight* weeks of school. The other paid a teacher *two dollars and seventy-five cents* per week, and had only *twenty-eight* weeks of school. In the larger, only 64 out of 97 were registered, and the average attendance was 32. In the smaller, 33 out of 35 attended some portion of the year, with an average attendance of 16. While the parents in the poorer district are doing their best to keep a good school, the disadvantage at which they are placed is too obvious to need further comment. It is plain that the children in the one district have not as good a chance for a good common education as children in the other. It also demonstrates the inequality in the burdens of taxation.

Half of my districts have an average valuation of less than \$23,000, while the other half will average over \$60,000. For the "poor schools" in the weak districts, there seems to be little hope of effectual remedy until more support from some source is furnished. We are simply demanding "bricks without straw." Some revision of our school system that will reach these weak districts, both in relieving them from the heavy burden involved in supporting a good school, and in supplying them with better teachers, seems to be the pressing need of the hour.

What I have said applies to and includes common schools only. The city and union schools will pretty surely be looked after. Believing that it is the true function of our institutions to protect the weak, I have presumed to say this much in behalf of those who must look to official authority for assistance. In the consideration of the great questions of taxation and equalization, which must

receive special attention sooner or later, I submit that the matter cited above is worthy of some special legislation. The adoption of the "township system" would meet the question of equalizing the districts and of removing boundary line difficulties; but the people are bitterly opposed to the "township system," fearing corruption and official and local discrimination. Were this system submitted to the people, I think they would reject it in this locality at present.

WANTED.

1. School year changed to end July 31st.
2. Annual school meeting changed to second Tuesday in August.
3. One trustee elected for three years.
4. No school during the six weeks following July 4th.
5. Teachers employed or continued for the entire school year.
6. No indorsement of certificates until they are equal in value.
7. Uniform examinations, or at least uniformity in minimum of requirements.
8. State or local aid for expense of written examinations, twice a year, in all the country schools, on a plan corresponding with the "Regents' preliminary examinations" for academies and high schools.
9. A revision and continuation of the blanks formerly used for "teachers' reports."
10. Revision of the form for "trustees' reports," with separate blanks for joint districts.
11. Uniform text-books for the county.
12. Equalization in valuation and taxation in districts.
13. Redistricting and mapping of districts, with provision for permanent records.
14. An office for commissioner and general headquarters for teachers, with place for papers, books, records, etc.
15. Popular lectures in every town to arouse public sentiment in rural districts.
16. At least 100 copies of the State Superintendent's annual reports, to put where they will strengthen our school system when attacked.

ITHACA SCHOOLS.

Though the official reports are made through the school commissioner, the Ithaca schools are not strictly under his supervision. Some seven years since the condition of the Ithaca schools was brought to the attention of the people by a large number of the most influential citizens, chief among whom was President Andrew D. White, of the Cornell University. Investigation proved the schools to be deficient in many respects, and quite unworthy of such an educational center as Ithaca. The citizens took the matter in hand, and wishing to make their schools equal, in their sphere, to the university, in the plane of higher education, they secured the passage of a special act (April, 1874), establishing a complete system of

graded schools in Ithaca, from the primary department to the university.

The board of education established by that act, believing some special supervision to be necessary, employed an efficient superintendent to devote his entire time and efforts to the development of the system. Ithaca draws \$800 from the State toward the salary of this special superintendent. An effort was made in the Legislature last winter to deprive Ithaca of this \$800. We are confident that the Legislature did not understand the facts in the case, or the effort to discontinue the appropriation would not have been made. Since the facts are not to be found in official papers, I deem it proper to mention here some of the results brought about by the change in the Ithaca schools, with the aid and attention of special supervision.

The old buildings have been either abandoned or remodeled with special care for proper heat, light, ventilation, convenience and comfort. Two commodious brick structures with ample grounds have been erected and equipped at a cost of \$24,000, and a third is being built at a cost of \$8,000. One has just been repaired at a cost of \$4,000.

The average attendance, which in 1874 — the year preceding the change — was only 829, has steadily increased, until last year it reached 1,384. During this period, the school population of the village has shown scarcely any increase, the school census of 1875 returning 2,589, and that of 1880, 2,680.

The following table tells the story of the progress of the Ithaca schools for the ten years from 1871 to 1880. I consider it worthy of a place in the educational records of the State.

TABLE showing the average attendance, moneys received from various sources, and the cost of the Ithaca schools for the ten years from 1871 to 1880.

	1871.	1872.	1873.	1874.	1875.	1876.	1877.	1878.	1879.	1880.
School population.....	2,153	2,242	2,283	2,402	2,589	2,407	2,501	2,572	2,591	2,680
Average attendance.....	478	675	747	820	985	1,153	1,205	1,268	1,269	1,364
Per cent. of school pop. in average att.	22.2	30.1	32.7	33.7	37.7	47.9	48.2	49.3	49.0	50.5
Sum raised by tax.....	\$6,520 00	\$6,546 00	\$7,712 00	\$9,468 00	\$23,101 00	\$20,542 00	\$13,124 00	\$15,098 00	\$15,990 07	\$14,083 39
Public money.....	8,830 00	8,708 00	8,984 00	4,213 00	4,203 00	5,237 00	6,048 00	7,104 00	7,231 15	7,263 83
Tuition.....	97 00	85 00	None.	None.	None.	1,236 00	1,015 00	1,268 00	1,250 51	1,263 93
Public money and tuition per capita in										
average attendance.....	5 02	5 61	5 27	5 03	4 40	5 67	6 35	6 59	6 71	6 22
Cost of tuition and supervision.....	7,045 00	8,078 00	8,868 00	9,942 00	10,640 00	16,964 00	17,077 00	16,847 00	16,360 30	15,710 50
Cost per capita in average attendance.....										
for tuition and supervision.....	10 40	11 97	11 86	12 00	11 14	14 64	14 17	13 28	13 89	11 35
Cost of text-books.....	753 32	875 23	No Rep.	482 27	705 28	1,433 26	1,245 22	765 03	787 38	720 55
All other expenses.....	2,087 87	1,868 40	2,740 07	2,530 77	21,101 69	8,904 77	6,103 88	4,726 66	9,951 63	8,453 21
Total expenditures.....	9,202 04	10,968 43	11,599 68	12,964 83	32,443 95	27,862 27	24,519 97	22,840 10	28,994 91	24,888 69
Tax per capita in average attendance..	9 62	9 70	10 62	11 30	29 42	17 73	15 04	11 90	12 55	10 16

The average attendance in the Ithaca village schools now excels that of the cities of Rome, Kingston, Ogdensburg and Hudson; and falls but little below that of Watertown, Lockport, Cohoes and Schenectady.

At the head of the system stands the Ithaca high school in the place of the former, "Ithaca academy." The number of students passing the "Regents' preliminary examinations" during the last five years of the old academy, ending 1875, was 163, or an average of 32 per year. The number for the first five years of the Ithaca high school is 296, or an average of 59 per year. The number passing successfully in 1880 was 85. The rank of the academy in 1875, based upon the number of academic pupils compared with the other academies and high schools of the State, was 39; that of the high school rose to 26 in 1876, and it is now *sixteenth* in rank," standing higher than the high schools of Troy, Kingston, Watertown, Ogdensburg, Oswego, Cohoes, Schenectady, Hudson and Poughkeepsie.

The foregoing facts are evidences of the success of the Ithaca schools, which has unquestionably been augmented by the supervision which the special appropriation has aided in maintaining. The amount apportioned to Ithaca from the school funds of the State, including the \$800 for special supervision, is considerably *less per capita in average attendance* than in *any* of the smaller cities in the State. This arises from the fact that a larger proportion of the school population of Ithaca is attending the schools than in those cities. One-third of the school money being distributed on the basis of school population; and one-third on the basis of average attendance, it follows that the larger the proportion of school population in attendance, the less *per capita* will be received.

The following table, compiled from the report of the State Superintendent for 1879, shows 1st, the average attendance, 2d, the amount of public money, 3d, the sum per capita for average attendance in several of the smaller cities:

	Av. Attend.	Public Money.	Per Capita.
Cohoes.....	1,712	\$10,121 00	\$5 91
Auburn.....	2,155	11,757 00	5 41
Binghamton.....	2,080	10,062 00	4 95
Hudson.....	726	4,773 00	6 57
Poughkeepsie.....	2,186	12,000 00	5 49
Watertown.....	1,460	7,196 00	4 93
Lockport.....	1,623	8,132 00	5 01
Ogdensburg.....	1,111	6,479 00	5 83
Schenectady.....	1,617	8,074 00	5 00
Ithaca (1879).....	1,268	\$6,095 00	\$4 80
Ithaca (1880).....	1,384	6,107 00	4 41
Average of above, excluding Ithaca.....			\$5 45

Had Ithaca *not* received the \$800 for supervision, the sum *per capita* would have been only \$4.17 in 1879, and only \$3.83 for 1880. On a more equitable basis Ithaca would receive one or two thousand dollars more than is apportioned to her under the present system.

PRIVATE SCHOOLS.

It is a good comment on the popularity of our public schools to state that of nearly *five thousand* children who attended school some portion of last year, less than a hundred were enrolled in private schools. They are only patronized by special friends, or for a special purpose.

There are two excellent private schools in Ithaca where a *specialty* is made of preparing young men and women for entrance to Cornell University. These schools are conducted by gentlemen thoroughly qualified for their work. They are very thorough, and their pupils take high rank.

There is also a "business school" in the village, where a specialty is made of giving an elementary course of business training.

CORNELL UNIVERSITY.

I may be pardoned for making mention of Cornell University — though she speaks for herself — because of the relationship existing between the university and the educational interests of the State. It is really a State university, because of the magnificent endowment of nearly a million acres of land bequeathed to her by the State. In return for this, the university is under obligations to grant one "free scholarship" to every assembly district in the State every year. These scholarships entitle the holder to free tuition in any of the departments for four consecutive years. They are therefore, worth \$300 to the holder. They are to be awarded "as a reward for superior scholarship in the academies and public schools of this State." Were these 128 scholarships awarded every year for four years, and all of them in use, there would be 512 "State students" in the university. There are now 150 State students in the university.

It seems to be a prevailing opinion that the nature of these scholarships, and their value, is not thoroughly understood throughout the State, and that the scholarships are awarded sometimes more from *political favoritism* than from superiority in scholarship. I think an investigation would show that many of these scholarships are awarded even without an excuse for an examination. I suggest that some special attention should be given to the manner of awarding these scholarships. Uniformity is desirable, and thoroughness is essential. The State has generously provided free instruction for 512 students at one of the best universities on the continent, and I think every scholarship would be filled by those who would be only too glad to receive a university training

were they to thoroughly understand that it *is* within their reach. I speak of this particularly, because Cornell university probably furnishes more teachers than any other similar institution in the State.

The fair fame of the young university has gone far and near, and her prospects were never brighter. The fields that waved with golden grain thirteen years ago have, magic like, been transformed into a charming campus, surrounded by half a million dollars' worth of beautiful structures. Deep down and back of all this is an endowment of more than \$2,000,000 in money, and in western lands which are constantly rising in value.

Fifty professors and instructors preside within her halls. Over 400 students, men and women, receive instruction in her dozen distinct colleges. Forty thousand choice books encase her literary treasures, and thousands and thousands of specimens and curiosities crowd the capacity of her museums and laboratories. Fine crops and blooded stock cover the slopes of the famous "Cornell Farm." The merry chimes ring out daily from the tower: Peace, good will and education for all mankind and womankind.

Very respectfully, your obedient servant,

A. B. HUMPHREY,
School Commissioner.

ITHACA, December 20, 1880.

ULSTER COUNTY — FIRST DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—At your suggestion, I would respectfully add the following, in connection with my annual abstract:

During the school year closing with September 30, I find I have made 115 official visits to the different teachers employed in this district. In comparing the results of the work of these teachers, it is noticeable, as a rule, that those who have been instructed in the science and art of teaching have been the most successful teachers. I, therefore, have drawn this conclusion, that the person who can answer the greatest number of questions at an examination is not, necessarily, to be considered the best teacher. While learning is necessary, the skill to impart to others is much more so.

I have granted, during the year, about eighty certificates, a very small proportion of which being of the first grade. I hold three public examinations in September of each year, in the most accessible parts of the district. The examination, as far as practicable, is written. The questions are prepared with a view, not so much to know the amount of book knowledge the person may possess, but

to know his ability to express and reason for himself. While I am not disposed to find fault with any teacher under my charge, for I believe each one is doing his or her best; but, if there is any fault at all, it is because he or she knows of no better way. It is not a lack of learning, but of special training for the work of a teacher. A great many of the teachers now employed have come out of the common schools, and, therefore, we know, they have had no special preparation for the work. What is the remedy? If there could be organized in each commissioner district a local normal training school, I believe a very great deal of this difficulty would be obviated. Let the State furnish a competent trainer, and sessions to be held at some point where pupils can be made available for actual school-room practice—organization, management, gradation and methods only to be taught. The teachers' institute, held yearly, is doing a noble work in this direction, but that is not sufficient. We need something more.

The institute held at Ellenville, in October, was an eminently practical one, but not one-third of the teachers now in service in the county were present, consequently the majority received no benefit. The commissioners of this county believe that the instructions given at institutes are of great value. The teachers who attend believe in their value, and in the absence of a training school, the commissioners have decided to request the Department to allow two sessions, of one week each, during the coming year, so that more of the teachers may be benefited thereby.

NEEDED CHANGES.

1. In my opinion, the school year ought to begin on the first day of September, and the annual meeting to be held for the election of trustees on the last Tuesday in June. Under the present system, most of the schools in the rural districts close about the first of October, and do not open again in two or three weeks, or until after the annual school election. The result is, the children are deprived of school privileges during a part of the finest portion of the year. By changing the school year this would be obviated.

2. Adopt the township system, partially retaining the present school districts, and allowing each one to annually elect a sole trustee, they together to form the board of education for each town.

3. Let the board fix a maximum and a minimum salary, employ their teachers by the year, and whatever funds were necessary in addition to those appropriated by the State, let them be raised by a tax upon the town.

4. Make the commissioner *ex officio* chairman of each of the several boards within his jurisdiction, allowing no teacher to be employed without his approval, save by a unanimous vote of the board.

5. Empower the commissioner to transfer the teachers from one school to another in the same town, as often, in his judgment, as the schools may be made more efficient by so doing.

6. Compel the commissioners to devote their whole time to the discharge of the duties of their office. That they may be able to do this, pay them a salary commensurate with their work and responsibilities, and extend the term of office for six years.

Respectfully submitted,

WM. E. MOWER,

School Commissioner.

SAUGERTIES, November 5, 1880.

ULSTER COUNTY—SECOND DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—In obedience to your request, I submit the following special report of what has been accomplished in this district during the past year.

I have visited the 92 schools of my district during the year, most of them twice, and I am happy to be able to report that I have noticed a marked improvement in the standing of the teachers as regards their ability, interest in their work, and a corresponding success in their labors in the school room.

Having fixed a standard of examination a year ago, I called upon all the teachers for a re examination, which certainly had the good effect of a general brushing up. Some teachers were compelled to study branches which they had not only never taught previously, but of which they hardly knew the very elements, such as grammar, United States history, civil government. I believe there is hardly a school in this district now where these branches are not taught. All this caused, however, some grumbling from both teachers and trustees. A general, common standard of examination for certificates, fixed by the Department of Public Instruction, would help the commissioners materially.

The institutes are doing excellent work, especially for those who have not had professional training in the normal schools, or teachers' classes in academies. The generosity of the State in maintaining all these is a wise policy which will, and does, bear good fruit.

Public sentiment is in favor of normal schools as long as they confine themselves to their legitimate work and do not become mere institutions of learning.

A good many school-houses in this district are in a bad condition. The universal excuse for this has been the want of means on account of hard times, but in consequence of the recent revival of our industries some have commenced to repair and rebuild, which,

it is to be hoped, will not cease until every school-house is in a proper condition.

I have licensed, during the year, 67 teachers, including those who were re-examined.

Yours most respectfully,
H. M. BAUSCHER,
School Commissioner.

NEW PALTZ, *November 16, 1880.*

ULSTER COUNTY — THIRD DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—In obedience to your instructions, the following supplemental report of the condition of the schools under my supervision is respectfully submitted

The territory embraced by this commissioner district is largely in excess of one-half of the entire county. It also includes one of the wildest and most mountainous regions of the State. Within the towns of Denning, Hardenburgh and Shandaken, large areas are still covered with the primeval forest.

Throughout this section the schools are generally small, and have not attained the standard reached by those of other parts of the district. The causes which have operated to retard their progress are, to some extent, beyond the control of the school officials. The inhabitants, thinly scattered along the rugged mountain valleys, are in many instances unable to defray the expense of maintaining the better class of schools.

In our opinion, however, the source of the greatest evils affecting these as well as many other schools of the district, is to be found in a system of false economy pursued by the trustees, and in too many instances sanctioned by the people. It seems to have become an object of ambition with many of these officials to keep the expenditures made for school purposes within the limits of the apportionments of public moneys made to their respective districts. The legitimate result of their efforts is seen in the neglected appearance of many of the school buildings and the languishing condition of the schools, which, in the cases referred to, are almost invariably taught by young and inexperienced teachers.

We do not advocate extravagant expenditures for the support of schools, nor would we make too severe or sweeping charges. Certainly, nothing is further from our intentions than to make any statement reflecting unjustly upon faithful, efficient school officers. That there are many such, we bear cheerful testimony. We have found, even in some of the more remote and secluded districts, trustees, who by their enlightened zeal and faithful and efficient

discharge of the duties of their office, have shown themselves fully in accord with the most advanced ideas of the friends of our public schools.

In studying the causes which seem to have retarded the progress of many of our schools, we have been led to compare our method of administering the affairs of the schools by trustees with that known as the "township system," existing in some of the adjoining States. A somewhat intimate knowledge of the latter system, acquired during several years spent in teaching in a State where it prevails, has enabled us to arrive at a conclusion as to the comparative merits of the two systems. We have no hesitancy in saying that we believe the interests of our schools would be subserved by the adoption of the last mentioned.

Perhaps one of the most serious of the evils affecting our schools, particularly in the rural districts, is the multiplicity of text-books. The existing statute, designed to secure uniformity, is practically of no effect. If the State would assume the work of supplying the schools with books, entire uniformity might be secured, and as this might be done at prices little exceeding cost, the people would be, to some extent, relieved from the burdens imposed upon them by the prices they are now compelled to pay for school-books — prices which, to say the least, are excessive.

Throughout the district there is a general lack of good black-boards and other apparatus, such as should be found in every well ordered school. Nearly every school, it is true, is provided with some kind of a blackboard, but in a vast majority of instances they are the merest apologies, unfit for use. But few schools are furnished with globes or outline maps, and even when so furnished, but little use has hitherto been made of either.

Recognizing the value of globes in the hands of competent instructors, and with a view to their more general introduction into the schools, the commissioners of the county have unanimously made a knowledge of their use one of the qualifications requisite to entitle teachers to certificates of the first grade.

As a means of arousing in the minds of the teachers of the district clearer ideas of the nature of their duties, we have endeavored to induce them to procure, and acquaint themselves with the works of the better class of writers upon educational subjects. Our efforts in this direction have been rewarded with greater success than we anticipated, and we are glad to be able to report the fact that large numbers of our teachers are engaged in the study of the works of De Graff, Johonnot, Page and other eminent authors. The result is already beginning to be seen, in the better work performed by these teachers in the school room.

Non-attendance is another great obstacle to the progress of our schools. An examination of the statistical reports of the district will disclose the fact that a large percentage of the children of school age do not attend school. The present compulsory act is, through-

out the rural districts, a deadletter. We doubt if it would be possible to obviate or overcome the evil referred to by legislation, but incline rather to the opinion that the only practicable method of securing, even approximately, the benefits that would accrue to the schools from a full attendance is to be found in the use of means calculated to arouse the interest of the people, and improve the quality of instruction given in the schools.

We would respectfully call attention to the section of the statutes defining the duties of school commissioners, in establishing or altering the boundary lines of school districts, and to the difficulties with which commissioners are met, in the performance of their duties. Under existing circumstances, it is nearly impossible to render full compliance with the requirements of the statute. In many towns the records of the district boundaries are so incomplete and imperfect as to render them practically worthless. It is true that commissioners find no great difficulty in making the few alterations demanded from time to time, but the work of providing for each town full and accurate boundaries of all the districts it embraces would, besides involving heavy expense, absorb the commissioners' time, to the enforced neglect of other and perhaps more important duties.

If the law required a meeting, once a year in each town, of all the trustees thereof, with the commissioner, for the purpose of establishing or making necessary alterations in the lines of their respective districts, the difficulty referred to would be greatly diminished, if not entirely removed. We believe, also, that other and, perhaps greater, benefits would result from such meetings.

We have discovered no serious defects in the present method of apportioning the school funds. It has, however, been suggested to us that, inasmuch as small schools constitute a majority of all the district schools of the State, an increase of the district quota would be conducive to the interests of the schools at large.

There is but a limited number of students or graduates from the normal schools of the State employed as teachers in this district. Without exception, they rank with our most efficient teachers. If we can base an opinion as to the value of the normal schools, upon the character and qualifications of the few teachers referred to, then we shall be compelled to speak of those institutions in terms of warmest commendation.

We should consider this report as incomplete if we failed to call attention to the high standard maintained by the few union free schools in the district. The largest of the number is that at Ellen-ville. It is admirably conducted, and it is but simple justice to say that the principal, Miss Sarah E. Mackey, and her assistants, are entitled to the grateful consideration of the people, whom they are serving so well.

The schools at Napanock and Kerhonkson, of which Mr. Thompson K. Walker and Mr. John T. Oash are the respective principals, also rank deservedly high. In fact, we doubt if there are better schools of the kind in the State.

The school at Alligerville is the last on the list. It is an excellent school, and fully justifies the confidence of the people of the district in the ability of its principal, Mr. Frank L. Hoag.

Our teachers' institute, held at Ellenville in October last, was, in every respect, a success. It was the generally expressed opinion, that no more successful institute had ever been held in the county.

We have discovered no opposition to teachers' institutes among the people of this commissioner district. On the contrary, we think they are regarded with general favor. There is, however, some feeling existing against allowing teachers for time spent in attending them.

There can be no question as to the utility of teachers' institutes. We think, however, that, in order to secure the greatest possible benefit from them, at least two sessions in the year should be held, but that two consecutive sessions should never be held at the same place. By holding them at different points in the county, the teachers from the remote districts would gradually be drawn in and made participants in the benefits resulting from them. These teachers, as a class, rarely attend the institutes held at Kingston; and as they constitute the class most likely to be benefited, we think the soundness of the idea we have suggested will not be questioned.

We have licensed seventy-four teachers during the past school year. In our examinations we have combined the oral and written methods, and have not based our decisions as to the qualifications of teachers entirely upon the percentage of questions answered by them. Regarding that as only one of the methods of arriving at a just conclusion, we have inquired into and endeavored to ascertain not only the extent and thoroughness of the applicant's knowledge of the branches taught in our schools, but also his natural aptitude for the work of the teacher and the extent of his mental and moral culture. While endeavoring to conduct our examinations in such a manner as to enable us to weed out incompetent teachers, we have, at the same time, tried to arouse and encourage those whom we have found competent and worthy.

During the year, we have made 110 school visitations. While we have discovered evils still existing and retarding the progress of the schools, the general view is reassuring, and should confirm and deepen the attachment of the people to our common school system. We believe the day is not distant when it will be universally regarded as the pride and glory of our Commonwealth.

Of one thing we are satisfied; whatever the defects still adhering to our school system may be, the best method of remedying them will be found in an adherence to the present mode of administering the school affairs of the State. The scheme agitated during the past year, we regard as fraught with danger, and believe its adoption would result disastrously to the best interests of our schools.

In conclusion, we desire to express our grateful appreciation of the kind and courteous treatment uniformly extended to us by the Department.

Your obedient servant,
S. D. SOULE,
School Commissioner.

SHANDAKEN CENTER, *December 5, 1880.*

WARREN COUNTY.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR. — In compliance with your order of July 20th, I beg leave to submit the following report :

There are in this county 139 school districts, employing 156 teachers. During the past year, I have visited 138 of these schools, and in all have made 262 visits.

In many of these schools the teachers were doing a good work, and the scholars making rapid progress ; while in others things seemed to be at a standstill.

The reasons I ascribed to the latter vary in different schools ; sometimes a lack of education or ability to teach, or indifference on the part of the teacher, or, as in many instances, a lack of interest on the part of parents and trustees.

During the school year, I have licensed 224 teachers, as follows : Certificates of the first grade, 14 ; second, 62, and third, 148.

I have been unable to control all the schools in the county, as there was a large number of teachers holding certificates for three years when I entered upon the duties of my office, many of whom I did not know held certificates until I found them teaching, and some of them, I am sorry to say, are very deficient.

In giving certificates, I have required a written examination, and graded them according to the education, experience and ability of the applicant ; in age, I have required 17 years for a summer school, and 18 for a winter school.

There is, at the present time, quite a demand for teachers ; many have failed in the examinations and sought other employment, some find other labor more remunerative, and there seems to be an universal desire, on the part of trustees, to have better teachers.

The school-houses as a general thing had been running down for some time, and many of them were in a dilapidated condition, while some were in danger of tumbling down, and too far gone to shelter either man or beast. In some instances, even where the poorest houses were located, the people were reluctant to do any thing that would involve an expense ; yet I am glad to state that

in most cases it only required that their attention be drawn to the necessity of better accommodations.

During the past year, eleven new school-houses have been erected, fourteen either rebuilt or thoroughly repaired, and arrangements have been made for building and rebuilding nine others in the spring. There are about ten more that need attention, and then the children of this county can be comfortably cared for.

We seem to derive but little benefit from the State normal schools. There are at present only three from this county attending them, and of those who have graduated, most of them have gone to other counties where the wages are more remunerative. I do not think it advisable to do away with the normal schools, yet I consider it of equal or greater importance that the teachers' classes in our academies be sustained. Most of our teachers have received their education in the two academies of this county, and the want of a teachers' class the present year is severely felt, and will be quite perceptible in the common schools. I have twice visited each of the academies, and some of the private schools, and found them doing a good work.

Our institute was held in September, and was attended by about one hundred and fifty teachers; the attention was good, and the professors—Johonnot and Moore—gave us some new and useful ideas, and upon visiting some of the schools this fall I have found a portion of the teachers using the new methods with success.

I consider the institute one of the important features in our common school system, and during my two years' experience I have found much good work that is directly traceable to institute conductors.

Respectfully submitted,
RANDOLPH McNUTT,
School Commissioner.

WARRENSBURGH, *October 30, 1880.*

WASHINGTON COUNTY — FIRST DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—I respectfully submit the following special report for the year ending September 30, 1880.

By a comparison with 1879, we find that our schools are improving. The whole number of children attending school during the year 1879 was 6,169. The whole number of children attending school during the year 1880 was 6,154.

The average daily attendance for 1879 was.....	3,000
The average daily attendance for 1880 was.....	3,182
The whole number of days of attendance for 1879 was .	493,424
The whole number of days of attendance for 1880 was..	522,525
The whole number of days taught in 1879 was.....	17,310
The whole number of days taught in 1880 was.....	17,421
The number of visitations by commissioner in 1879 was	173
The number of visitations by commissioner in 1880 was	200

The number of teachers licensed who taught in 1879 was 88 males and 172 females; total, 260.

The number of teachers licensed who taught in 1880 was 77 males and 185 females; total, 262.

The impressions I have received as consequences of my visitations are that the children who attend the graded schools are farther advanced, according to their age, than those who attend the common schools.

The question arises, why are they?

Generally the graded schools are taught 200 days in a year, the common schools average about 150 days. Hence the children who attend the graded schools gain 50 days' schooling in a year, or they receive as many days' schooling in *three years* as the children who attend the common schools receive in *four years*. This state of things, if long continued, is sure death to our common schools.

Energetic trustees can find a remedy, by making longer contracts with teachers, or, far better still, the Legislature should make a law, equalizing the terms of our graded and common schools.

In our opinion, when such a law is passed, it will be a grand step toward advancing the standard of the common schools of the Empire State.

APPARATUS.

I find in a majority of our common schools a great deficiency in school apparatus. In the past year, in 118 districts there have been expended only \$77.62 for this purpose, making an average of 65 cents for each district. According to the statute, trustees had no power to purchase maps, globes, charts, dictionaries or other school apparatus, unless instructed to do so by the vote of a district meeting. If the trustees had the power to expend not to exceed a certain amount yearly, for this purpose, under the direction of the commissioner, it would be an improvement. Teachers and pupils can accomplish far more during a term with a good supply of apparatus than they can without it.

The compulsory education act is of little value in this district; the sentiment of the people does not sustain it.

SCHOOL-HOUSES.

There have been three new houses built, and there are two other districts that have voted to erect new houses. One of the districts

that erected a new building, voted by one majority to repair the old one, with the concurrence of the supervisor of the town. We condemned the old rookery, which forced the district to erect a new one. Our action in the matter created a storm in the district at the time, but now all is calm, and the effect of the influence of that act in other districts is salutary; for one of the districts that voted to erect a new building knew that we would condemn the old one, and force them to build, if they did not build it themselves. Argyle village has a common district school, and a mathematical and classical school. Professor Hunt has charge of the latter. If both schools were consolidated into one, it would be a decided improvement.

Cambridge village has two districts. The east district or Putnam institute is a union free school. Professor J. King is principal. In the west or Cambridge academy district, Professor J. G. Williams is principal. It was a sad blow to the educational interests of Cambridge when the citizens in the year 1877, voted by thirteen majority against the act to consolidate the two districts in one. If that act had become a law at that time, to-day Cambridge village might boast of a school second to none in Washington county. Her citizens forgot to apply the principle to schools, that, *in union there is strength*, but applied the reverse, that a nation divided against itself cannot stand. May the day soon dawn when Cambridge village shall constitute a single school district.

The town of Easton contains a very fine seminary building, well located, and built by a society called Friends or Quakers. The school is under their control, and at present the position of principalship is filled by a lady Friend from Philadelphia. The attendance is small in comparison with the number the building can accommodate. One reason for their being so few scholars in attendance may be found in the fact that a good proportion of the citizens of the town are *Quakers*.

The Fort Edward collegiate institute is now being rebuilt, more handsomely and commodiously than the former buildings, which were destroyed by fire in November, 1877. Nine hundred thousand brick have been put in the walls, and it is expected that when finished and furnished, the new building will cost \$50,000. The chapel and study rooms are to be very fine and capacious, with the view to accommodate non-boarding students, in any number that shall apply. The institute will re-open with full faculty, September 9, 1881, under the continued principalship of Jos. E. King.

The Fort Edward union free school is the largest school in this commissioner district. It has 969 children between 5 and 21 years of age. The assessed value of property taxable in the district is \$803,650. Professor Geo. Hoadley is the principal. He has eleven assistant teachers.

Greenwich village has a fine graded school, under the principalship of Professor Wm. Somers. The attendance is very good, the discipline first-class, and the school is flourishing and prosperous.

Salem Washington academy is a substantial building. Professor J. A. McFarland is principal, and has filled the position for more than

twenty-five years. He may truly be called the veteran principal of Washington Academy. The institution was founded just one hundred years ago, and the citizens of Salem held a grand celebration in honor of the event, on the 25th and 26th of last August.

The next week after the celebration, the Washington county teachers' institute was held at the academy. The attendance was the *largest* ever registered in this county. The conductors, Professors Chas. T. Pooler and C. T. Barnes, proved to the entire satisfaction of all who were present, that they were the right men in the right place. I think that the *institute* is a *grand school* for teachers.

In reviewing the condition of all the schools in this commissioner district, as a whole we know that they are progressing.

May they all continue to improve ever, is the fervent wish of

Your most obedient servant,

H. T. HEDGES,

School Commissioner.

SHUSHAN, *December 20, 1880.*

WASHINGTON COUNTY — SECOND DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In obedience to the terms of your order, requiring a special report from school commissioners, I have the honor of submitting the following:

SUPERVISION.

The most laborious and undeniably the most important duty of the school commissioner relates to supervision, requiring a frequent visitation and examination of schools, and an investigation not only into course of study, classification of pupils, allotment of time to classes, methods of instruction and discipline, and general morale of the school, but a research into the character of the people, whereby a fair knowledge of their resources, proclivities and needs may be most accurately obtained. Long experience will convince the dullest officer that the more intimate knowledge he gets of the school and teachers under his supervision, the more easily and effectively can he direct his efforts to the accomplishment of progressive or reformatory purposes. With such impressions I set out eight years ago, determined to form the acquaintance of all public school teachers, and to learn as much of them and their schools as a thorough and systematic course of inspection would permit. To this end I have made 1,665 official visits to schools while in actual operation, 202 of which were made during the year just closed. At each one of these visits a permanent record, convenient for reference, was made giving

the condition of the school, the teacher's name, residence, and grade of license, the number of terms taught, my judgment of his calibre and ability, and any other items that the occasion might suggest as being of possible use in determining the teacher's future standing.

In answering the query that naturally arises, as to what use has been made of the information thus derived, I can only say that when methods have met my approval I have commended, when not, I have sought to enforce a modification or radical change as the case might require; if I failed, and repeated visits disclosed insuperable inefficiency arising from inherent incapacity, or growing out of continued negligence or indolence, the name of the teacher has been stricken from my list. This has been frequently done, and in the case of some teachers who once held first grade licenses.

The advice of a former Superintendent of Public Instruction to commissioners to outline a circuit of visitations, announcing the same in advance, I have never adopted or approved, because it would enable the quack teacher to get his pupils in especial readiness, and the commissioner would never see him or his pupils in their every day garb. By thus learning the true status of teachers and schools, I have been able to encourage worthy and faithful workers to eliminate worthless material, and to assist teachers in getting suitable schools, and trustees in getting suitable teachers.

CONDITION OF SCHOOLS.

The general sentiment that our schools are gradually improving, sustained by the affirmative testimony of our more thoughtful and observing educational men, and the great diminution of complaints that come to me of the ignorance and incompetency of teachers, confirm my opinion that the schools of 1880, in this district, are superior to those ten years ago. At that date only a small percentage of the teachers had received any special preparation for their work; to-day my statistics show that over fifty per cent. have received some instruction in the "science and art of common school teaching." As a consequence, the methods of instruction are more modern and effective, the subjects taught embrace a wider range of practical topics, better discipline is maintained, and less corporal punishment is inflicted.

This normal training has been given to our teachers by a few of our really excellent public schools, wherein teachers' classes have been maintained. Those that have contributed by far the greater number of cultivated and able instructors are the Whitehall union school, under the able supervision of Professor E. Butler, the Sandy Hill union school, supervised by Professor J. H. Durkee, and the Glens Falls academy, under the principalship of Professor D. C. Farr and Miss Frank A. Tefft. I mention the last because, although in an adjoining county, it sends us many good teachers. Other schools deserving of favorable mention in this connection are the following: Middle Granville union school, Mrs. Jennie H. Corbett,

principal; West Hebron union school, J. O. Partridge, principal; Hartford village school, Frank A. Dorr, principal, and Fort Ann village school.

One of the worst features of our country schools I must here refer to: It is the wretched custom of having only two terms a year and continuing the summer term through the heated season without vacation. I have sought ineffectually to break this custom, and now believe it should be done by legal enactment. The evils are self-evident. The heated term is not adapted to intellectual vigor or growth, pupils and teachers alike become languid, and the school registers at this time show the most irregular and smallest attendance that is recorded at any season of the year. Three small schools have recently adopted the three term plan with a long summer vacation, and are now doing better work and giving better satisfaction to patrons than ever before.

EXAMINATIONS.

From a careful estimate, I find that 1,600 applicants have appeared before me for examination during the past eight years, and that 1,200 of such applicants received licenses of some grade. Last year, I examined 233 applicants, 81 per cent. of whom were successful, 15 getting first grade, 99 second grade and 76 third grade licenses. Of those receiving, at least 40 per cent. had been specially instructed for the work of teaching in the "teachers' classes" of the Whitehall and Sandy Hill union schools. It is a noteworthy fact that 86 per cent. of applicants from these schools were licensed, and only 72 per cent. of all others.

The evidences of scholarship revealed in the examination of such classes, the skill and ability displayed under my observation by their members in the school room, and a careful comparison of results achieved by them with those of all other teachers, convince me that these classes as taught in these schools are incomparably more valuable than all other agencies for promoting the culture and efficiency of the common school teacher that have been established by the State.

MANNER OF CONDUCTING EXAMINATIONS.

The plan adopted in the outset, and to which I still adhere, is to have a written examination in the leading subjects, embracing English grammar, physical and descriptive geography, United States history, civil government and orthography, supplemented by an oral examination in such other topics as time would permit, requiring a certain percentage on each subject for licenses of the different grades. Thus briefly outlined is the best scheme I could devise, and it may be well enough considered by itself, but the fault of the whole system consists in the great number of examiners, each having a method and standard of his own. The matter being almost absolutely under the control of each individual commissioner, it necessarily follows, as these officers make no attempt

to act in concert or on the same basis, that there can be no uniformity throughout the State. For example, a teacher certified to be competent for any school for a period of three years in one commissioner district, in another might be cut down to a single year, in another to six months and a particular school, and in another still might be adjudged unfit to teach in any school. Such pointed illustrations of the defects in the system have repeatedly come to my knowledge.

I am, therefore, of the opinion that teachers' examinations should be made uniform, somewhat after the manner of Regents' examinations; that they should be held simultaneously, twice or three times a year, in every part of the State; that they should be conducted under rules established by the Department, the questions being prepared by direction of the Superintendent of Public Instruction.

STATE NORMAL SCHOOLS.

In founding these institutions it was the evident intent of our law makers to furnish the means for educating and disciplining a constantly increasing force of professional teachers, who would be called to the most responsible positions at first, and, as their number augmented, gradually find their way into towns and hamlets, until finally the larger village schools would be generally taught by normal graduates. No doubt it was thought that the cost would be doubly repaid to the people of the State by the direct influence of so many trained teachers, to say nothing of the indirect benefits conferred when their pupils should become the teachers of minor schools.

If these expectations have been fully realized in other parts of the State, this assembly district certainly affords a striking exception to the rule.

By an examination of my statistics I find twenty resident graduates in this district, seven male, thirteen female. Not one of the former is teaching, only two or three of the latter. Of the former, three have just been admitted to the bar, one is studying law, one medicine, and two engaged in miscellaneous occupations. From the latter class we get more teachers, one of whom, Mrs. Jennie H. Corbett, principal of Middle Granville union school, deserves to be recorded on the list of faithful and efficient teachers; but this case is exceptional, only a very few instances of common schools, taught by normal graduates, have occurred during the last eight years in the territory of which I have supervision.

The reason of this appears obvious; a sound, thorough business education is offered free of cost, so far as tuition and books are concerned, by these schools to the youth of both sexes. Many males, no doubt, avail themselves of the superior facilities offered with no purpose of following the pursuit of teaching any length of time, and, if they teach at all, it is merely as a make-shift or to relieve themselves of the odium of making a false declaration. They naturally

gravitate to some of the professions, the law being the favorite in this district.

Female graduates do more valuable work in the field, but they also prefer other occupations unless especially attractive positions are offered.

Much has been said in opposition to granting licenses by the State Superintendent, by people who knew little of the subject. In discussing this question I cannot help referring to this matter by way of comparison.

Under the old law, of granting this class of licenses on recommendation, it would, of course, follow that some incompetents would be licensed. One instance of this kind occurred in this district, and, in this case, the license was very properly revoked by the present Superintendent. Twelve others holding this class of certificates are recorded on my books as residents of this district, and eleven of these taught every year during the five years last past. During the same time only four normal graduates of twenty taught; in other words, 90 per cent. of the former to 20 per cent. of the latter taught at the same time, and justice compels the affirmation that the grandest, most far-reaching educational achievements, accomplished in the line of progressive intellectual development, have been and are being wrought out by teachers holding diplomas granted by the State Superintendent on recommendation.

Taking this district as a criterion, I conclude that our State normal school system is a somewhat expensive agency for building up and promoting popular education.

TEACHERS' INSTITUTES.

Ten years ago teachers' institutes in this county were regarded with general disfavor. It was thought that the instructors in many instances were not practical men, and that their instruction was not adapted to the wants of common schools. At that time the instructors usually sent consisted of a male professor and a female elocutionist. The aim of the former too frequently was far above the heads of those he was expected to hit, his instruction ranging above the capacity of many common school teachers; that of the latter was well adapted to an advanced class in elocution, and served admirably as a leading attraction in the bulletins of evening entertainments.

It is gratifying to realize that a reformation, radical and sweeping, has been inaugurated and perfected by the present Superintendent.

The term of the institute having been reduced to one week, nearly all teachers who attend get the benefit of an unbroken course. Under the old plan of two weeks' sessions, the majority lost either the first or last half of the course, or only a few could be induced to attend the whole term.

Lady elocutionists and incompetent professors have been set aside for a corps of practical educators.

By reason of these reformatations the commissioners have been able to increase the attendance in this county by gradual accessions from 54 in 1872 to 305 in 1880. It is unnecessary to add that, as now conducted, these annual convocations of teachers are regarded by the patrons of popular and universal education with marked interest and favor.

APPORTIONMENT OF SCHOOL MONIES.

The policy of furnishing State aid to the public schools by means of annual appropriations as now apportioned seems to be the especially fit and proper thing in this county. Without some such liberal policy of public support, some of the schools of this district would be forced to close their doors, and the children of poor but honest parents would be reared in ignorance, on account of the unequal distribution of property in school districts. To illustrate, in one town of my district there are four districts having an average enrollment of twenty-eight pupils of school age, and an average valuation of \$4,639. In another town off the line of railroad, without bank or other incorporated moneyed institution within its borders, four districts have an average enrollment of 29 pupils, and an average valuation of \$66,727. In the former case, there is just \$165 valuation per pupil; in the latter, \$2,300 per pupil.

I have long thought that some measure for the equalization of the burdens of taxation for school purposes in country towns ought to be devised by our legislators.

In conclusion, I believe that many salutary modifications to existing school law could be made. but past blunders should admonish our present legislators to move with extreme caution and conservatism, lest they imitate some of the absurdities of their predecessors.

Respectfully submitted,

E. C. WHITEMORE,

School Commissioner.

MIDDLE GRANVILLE, Dec. 15, 1880.

WAYNE COUNTY — FIRST DISTRICT.

HON. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR. — In response to your circular of July 20, I have the honor to submit the following special report concerning the schools of this commissioner district.

The year has been one of earnest labor on the part of the teachers. My labors have been interrupted by extremely bad roads in winter, and a protracted illness during the summer. Nevertheless, I have been able to make 170 visitations.

Upon these visitations, though frequently discovering faults calling for criticism and reform, I have found the average character of the instruction and management of a high order. Surrounded by many discouragements in the nature of insufficient apparatus, uncomfortable seatings and poor blackboards, yet the teachers are rising to the demands of the occasion and are supplementing by their ingenuity the inadequate provisions made by indifference and penuriousness, and are teaching really successful schools.

The number of teachers licensed was 106. My examinations have been conducted at the institutes, in all cases being written. I have, so far as possible, discouraged private examinations for the reason that they are needless encroachments upon the commissioner's time which is already inadequate to the performance of the duties devolved upon him.

I believe that the directions in the code that the commissioner shall examine candidates during his rounds of visitations should be repealed and that all examinations should be public, partly written and partly oral at places specified in notices periodically published.

The teachers' institutes have been in all respects successful and have accomplished a work for the teachers and schools which no other agency could have done. The labor of efficient institute conductors is the best investment the State can make for her schools. The circumstances surrounding our school system make it impossible for any other agency to reach the schools in each district. A vast army of inexperienced workers is recruited each year. Annually ten thousand persons in this State enter upon their first term as teachers. Not only lacking experience but theoretical instruction in school work they enter upon their duties wholly unprepared. Able to pass the required examination they are yet entirely ignorant of those fundamental educational principles which must be the ground work of all successful teaching. Their station in life, the meager wages offered for their services, and the uncertainty of the continuance of their contracts, deny the means and stimulus for special preparation for the teacher's work. Besides, the science and art of education not being taught in the common schools, and seldom in the higher schools and academies, it becomes evident that if this army of teachers is to obtain any education in the principles of their work the schools which teach them must be brought to their doors. And this is what the institute does. Located at easily accessible points, attended with but trifling expense and instructed by eminent masters, it gathers in the teachers from every district school however small, and sends them forth again to their work with new ideas and rekindled zeal.

In this connection, permit me to suggest that the pay and employment of institute conductors should extend throughout the year as an inducement to the best talent to continue in the business. It may be objected to this scheme that it is impracticable to hold institutes except in a few months of the year. But there is certainly other school work necessary to be done for which the conductors

are especially adapted. Their time, not occupied in institute work proper, might be devoted to personal visitations to the schools and school officers in the various counties, and by frequent reports to the Department accomplish a most practical and useful unification of our system.

As to the influence of the normal schools permit me to say that it is excellent. Its indirect influence in furnishing teachers to our higher schools is fully as great as its direct influence. Pupils who are taught by these teachers carry into the schools of which they afterward become instructors many of the methods brought from the normal school.

I find that those teachers who have had instruction at the normal schools show a marked superiority over the average. It is, however, to be noted that the number of those who teach is very small and entirely out of proportion to the attendance at normal schools and to the needs of the school system. Of one hundred and fifty-two persons teaching in this district at the present time less than ten have had normal school training. This results from the expense incident to attending them, and from their long courses which graduate the pupils at an age when a speedy marriage or permanent business offers attractions more pleasing and remunerative than can be expected in a common school. It must, however, not be overlooked that the influence of the normal schools, exerted through their graduates who occupy other positions in life than teaching, and create a wholesome public sentiment in school matters, is important. I believe that a few changes in these schools would greatly conduce to their usefulness. They should admit only those who can exhibit a certificate from a school commissioner or superintendent to the effect that upon a thorough examination he has found the candidate to possess sufficient knowledge of the several branches to teach, and recommends that he be admitted to a course in methods and principles of education. This would largely obviate the necessity for furnishing at the normal schools what the candidate should possess before entering—a common school education, and it would shorten the course. The instruction should be confined to principles and methods so far as practicable, and the course should be not longer than six months for those intending to teach normal schools, and should entitle them to diplomas or certificates to teach. In this way a great incentive would be given to persons intending to teach such schools, to make a well grounded preparation at an expense of time and money commensurate with their prospective wages, and it would give us many normal school teachers, when now we have none at all, in the country districts. As it is, it may be set down as a self-evident truth that a person who spends two or three years and several hundred dollars for a normal school course is either a philanthropist or else does not intend to teach country schools.

Sodus Academy, under the principalship of Professor E. Curtiss, and Red Creek union seminary, under the principalship of Professor L. W. Baker, are doing excellent work, and have a good attendance.

Professors Curtiss and Baker co-operate with me most cordially in all school work.

I beg leave, finally, to suggest the law be so changed as to permit school commissioners to condemn unfit school-houses, without the intervention of supervisors; that the library money be apportioned for teachers' wages in rural districts, as it is now so used, and that the items in trustees' reports be simplified and diminished in number to the end that trustees' reports may be more easily made out and more nearly correct.

With thanks for numerous courtesies from the Department,

I remain, most respectfully,

SIDNEY G. COOKE,

School Commissioner.

LYONS, *December 7, 1880.*

WAYNE COUNTY—SECOND DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In compliance with your request, I submit a brief report of the condition of the schools in this district, with such suggestions as to their improvement as have occurred to me during my official duties.

This commissioner district embraces 7 towns, with 94 district schools, 4 union and 3 academies. There are 201 teachers holding a commissioner's certificate; 5 a State and 4 a normal diploma. There are 10 undergraduates of normal schools residing in the district who have taught the past year with success.

I have made 213 school visitations the past year, inspecting each school once during each session, remaining long enough to ascertain the ability of the teacher to govern and to impart instruction. The trustees frequently visit the schools with me, and I am confident that a majority of them are the best men in the district, eager to know their duty and prompt in performing the same. This opportunity is taken to urge the pupils to more regular attendance and more earnest application in their studies; to remind the teachers of the great importance of thoroughness and enthusiasm in their school work.

During the past year, I have examined 254 candidates for teaching, and granted 164 certificates. Of these, 12 were of the first grade, 56 of the second and 96 of the third. My motto is, no examination, no certificate. I do not renew a certificate or advance a grade without a thorough examination, unless his or her papers, at a previous examination, are entirely satisfactory. Five years ago I found teachers in the school room who had never been examined: some were too young to teach, and some had outlived their useful-

ness. Necessity compelled me to spend much time and labor in endeavoring to elevate the standard of the qualifications of teachers. In doing this work I have endeavored to treat all alike, by requiring of all semi-annual examinations, till a standard of 75 per cent. of written questions was attained. This requirement cut off many weak and inefficient teachers, and their places are occupied by a far better class of teachers. In this work I have had the hearty co-operation of many teachers and the people generally, for which I am very grateful. The teachers are rapidly introducing the improved methods of instruction in primary work, and are generally giving instruction in history, civil government and the science of penmanship. My examination papers show that the standard of qualification has advanced nearly 50 per cent. in five years. I have assisted the trustees in settling district difficulties; annulled three small and financially weak districts; altered and corrected the boundaries of several others.

The school commissioner should be divorced from political influences in his election as well as in his work.

My observation is that the people will look in the future for men better fitted to occupy this important position; and this feature is very encouraging when we consider that an efficient commissioner means efficient schools. As the school reflects the teacher, so the teacher reflects the commissioner. The *blame* for incompetent teachers and bad schools rests *mainly* upon the commissioner, and the sooner *this* is understood the *better* it will be for all concerned. Imperfect as our trustee system is, yet there would be hope of success if we had a strong and efficient supervision. The statute justly prescribes the qualifications of teachers, and demands of them a license; but no qualifications are required of those who give certificates as to learning, ability and moral character. He must judge of *these* in *others*, but he is not required to possess them *himself*.

Our schools demand the sympathy and the direction of our *ablest* and *best* educated men. Let us have the proper qualifications determined and fixed by our next Legislature to render a person eligible to the office of school commissioner.

I suggest that material aid be rendered the weak districts. Owing to the irregularity of the roads in this State, and the great amount of railroad wealth massed in certain localities, the valuation of the districts can never be made equal. As the districts vary in valuation from \$20 to \$300,000, taxation for school purposes is very unequal and unjust.

Some plan should be devised to equalize this burden, and I offer as an equitable method that the amount needed to make up the balance required for teachers' wages be raised by counties, to be spent in the counties where raised, and to be apportioned in the same way as the public money now is. For this commissioner district, said tax would have amounted to a little more than one mill on a dollar last year. This would afford relief to all the weak districts, and also to those districts having a large population but a

small valuation. This, in my judgment, would be preferable to the township system and more in harmony with the public sentiment of this district.

Without discussing the merits of the township system, permit me to say that it is a firmly established opinion of the people of this commissioner district, that while *some* of the defects which now exist in school districts would be remedied, others would be *greatly* increased to the best interests of the schools and towns. The people are very unanimous in the opinion that all *district* tax should be confined to district boundaries. I see no reason why our *weak* districts should not receive your early and careful attention.

The union schools in this district are in a very prosperous condition, and one located at each of the following places, viz.: At Newark, conducted by an able corps of nine teachers, with Dr. William S. Allmeck as principal. At Palmyra, conducted by Professor H. Burt as principal, assisted by eleven efficient teachers. At Macedon village, conducted by Professor S. Van Cruyningham, a graduate of the Brockport normal school, aided by two assistants. At Williamson, the younger, in operation only two years; Professor S. S. Warne, principal, a graduate of the Albany normal school, with two assistants. I cannot do justice to the Newark and Palmyra union and classical schools in this brief report, and will only say that they are beautifully located in very appreciating and highly educated communities, with a board of education composed of the very best men. The schools are *thoroughly* graded, provided with ample libraries and school apparatus, and will compare well with any schools of the kind in Western New York.

There are also three academies under my jurisdiction — all in a healthy condition, and doing good work; one located at Marion, one at Walworth, and one at Macedon Center. The attendance in these academies varies from 50 to 125; the buildings are spacious, convenient, and the students well supplied with libraries and apparatus. The Marion collegiate institute, especially, is training a large number of teachers on the normal plan, under the *able instructors*, Mr. and Mrs. Allen.

I cannot speak too highly of our institutes as an educational power. As they are *now* conducted, they are producing an untold amount of good. Under the very able management of Professors De Graff and Lantry, our institutes have wonderfully increased in interest and in average attendance, giving entire satisfaction to both the teachers and the people.

For two years past we have been permitted to hold semi-annual sessions, and I judge that they have produced twice the amount of good. It is understood now by our teachers that it pays to attend the institutes.

There is a pleasant *outlook*. I must sum up in a few words by saying that I have had the hearty co-operation of the teachers and school officers, as well as the people, in my labors. Thirty-one teachers have been retained in the same schools for one year or more.

Nine school-houses have been built and furnished in modern style; twenty-five have been thoroughly repaired and re-seated with patent seats.

The school-houses are now, with few exceptions, in fine condition. All will be repaired or rebuilt soon. The teachers are better qualified, more enthusiastic; the schools are better graded, better instructed, and better attended; and as the result the people are becoming more interested and more willing to meet the demands made upon them for the support of schools.

I desire to express my sincere thanks to the teachers for their kind assistance, for their promptness in complying with my requests, and to the *Department* for its prompt replies and for its just decisions.

I remain, your obedient servant,

W. T. GOODNOUGH,
School Commissioner.

MARION, *November 15, 1880.*

WESTCHESTER COUNTY — FIRST DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR. — I have the honor to present the following report in relation to the public schools in the first school commissioner district of Westchester county.

I.

In the city of Yonkers and the towns of Eastchester and Westchester, which city and towns comprise the said district, there is a population of 34,450 persons. Of this number, 14,188 are between 5 and 21 years of age. For the education of these minors there are 19 private schools, 21 public schools, an orphan asylum, an infant asylum and the Roman Catholic protectory.

In the 19 private schools there have been in attendance during the past year 1,008 pupils between 5 and 21 years of age; in the Wartburg orphan asylum, 59; in the New York infant asylum, 33; in the Roman Catholic protectory, 2,900, and in the 21 public schools, 5,970. Thus, out of 14,188 persons between 5 and 21 years of age, 9,970, or over 70 per cent., have been to school during the past year.

Of those between 8 and 14 years of age, there are, exclusive of those in the Roman Catholic protectory, 4,448. Of this number, 3,186 have attended the public schools for at least fourteen weeks during the past year, and a large part of the rest, 1,262, have attended private schools or have been taught at home. In fact, I feel warranted in saying that not more than 300 have not been

to school during some portion of the past year. In other words, not over seven per cent. of the children between 8 and 14 have failed to go to school.

II.

This school commissioner district is divided into 14 school districts; 5 in the city of Yonkers, 5 in the town of Eastchester, and 4 in the town of Westchester. Two of these districts are common school districts, and all the rest are union free school districts. Every one of them has a substantial school-house; three have 2 school-houses each, one 3 school-houses, and another has 4, making 22 school-houses all told. One of these, in the last named district, is not in use, so that there are really 21 in which instruction is given.

In these school-houses 118 teachers are employed, all of whom are duly licensed; 6 are graduates of New York State normal schools; 15 are licensed by the State Superintendent; 18 are licensed by the board of education of school district No. 4, of the town of Eastchester, under and by virtue of a special act of the Legislature, 25 by my predecessor, and 54 by myself.

Of the 25 licensed by my predecessor, all hold first grade certificates; of the 54 licensed by me 2 hold first grade certificates, 24 hold second grade certificates, and 28 hold third grade certificates.

Of the whole number, 118, 9 are graduates of colleges; 9 of normal schools; 32 of academies and seminaries of established reputation; 41 of graded schools, and 27 were taught in common and private schools. Of the class last named nearly all are teachers in primary departments, and have taught for many years with marked success. The other 91 have regularly graduated from some institution of learning.

Nine teachers have resigned, or been discharged, during the year, and 24 have been appointed. Of the former, only 1 was a graduate of a normal school; 3 were graduates of academies and seminaries of established reputation; 2 were graduates of graded schools, and 3 were taught in common and private schools.

On the other hand, of those appointed during the year, 6 are graduates of colleges and normal schools, 9 of academies and seminaries of established reputation, 5 of graded schools, and only one was taught in a common school.

Realizing the fact that, in order to improve our schools, we must improve the teaching in them, I have striven to make a license to teach a thing not to be gotten easily, especially one of the first or second grade. I have urged trustees and boards of education to give the preference to graduates of colleges and normal schools; and I have likewise urged the teachers themselves to pass the examinations for State certificates, and thereby obtain licenses which are good for life and are held in high repute.

The improvement already made is apparent; and I hope, ere the end of the ensuing year, to be able to report a still greater.

Eighteen per cent. of the teachers in this district have either graduated from normal schools or been licensed by the State Superintendent. In the State at large only six and a half per cent. are licensed in like manner.

III.

In this district there is, on an average, one teacher in the public schools for every 105 persons between 5 and 21 years of age; one for every 43 between 8 and 14; one for every 53 who attended the public schools during some part of the year, and one for every 32 in average attendance.

According to the State Superintendent's last report, there is one teacher in the State for every 80 persons between 5 and 21, one for every 51 who attended school some portion of the year, and one for every 28 in average attendance. In the cities, however, the figures stood one teacher for every 128 persons between 5 and 21, one for every 68 who attended school some portion of the year, and one for every 41 in average attendance. This district is therefore above the average in the State, and below the average in the cities; and inasmuch as it is almost wholly a suburban district, containing a city and several large villages, the result is what one would naturally expect.

IV.

The total amount expended last year for the support of the schools in this district was \$114,110.13. Of this sum, \$77,322.82 were for teachers' salaries, \$20,251.81 for repairs and improvements, \$10,477.77 for fuel, janitors' salaries and incidentals; \$5,147.03 for books and stationery, and only \$900.70 for library books.

On an average the annual salary of each teacher in the district is \$690; in the cities of this State the average is \$682; and in the towns, \$239.

The cost per pupil based on the whole number who attended during some part of the year is \$19.07; and based on the average attendance is \$31.66. The rate of taxation averages 40 cents on \$100.

The cost per pupil throughout the State, based on the whole number who attended during some part of the year, is \$9.85; and based on the average attendance is \$17.79.

In almost all of the schools books and stationery are furnished to the pupils at the expense of the several districts.

V.

One of the best means of testing the progress and improvement made in a district is that of comparing the results of the last year with those of the preceding. Accordingly the following comparison is submitted with such an end in view:

	1879.	1880.	Increase, Decrease.	
Number of teachers licensed by local authorities.....	88	91	3	....
Number of teachers licensed by State Superintendent.....	13	15	2	....
Number of teachers licensed by State normal school.....	5	6	1	....
	<u>106</u>	<u>*112</u>	<u>6</u>	<u>....</u>
Number of public schools	21	21	....	....
Number of private schools	21	21	....	....
Number of children 5 to 21.....	12,587	14,188	1,601	....
Whole number who attended public schools.....	6,176	5,970	....	206
Whole number who attended private schools.....	1,170	1,100	....	70
	<u>7,346</u>	<u>7,070</u>	<u>....</u>	<u>276</u>
Average attendance public schools....	3,424	3,596	172	....
Number of children 8 to 14.....	4,081	4,448	367	....
Number of children 8 to 14 who attended public schools.....	2,913	3,186	273	....
Number of volumes in library.....	8,280	8,922	642	....

	1879.	1880.	Increase, Decrease.	
Value of school-houses and sites	\$295,060	\$297,710	\$2,650	....

	1879.	1880.	Increase, Decrease.	
Amount expenses teachers' salaries.....	\$74,886 12	\$77,322 82	\$2,436 70	.....
Amount expenses school-houses, etc.....	18,648 36	20,251 81	1,403 45	.....
Amount expenses books, etc.....	5,127 20	5,147 03	19 83	.....
Amount expenses incidentals.....	10,815 63	10,477 77	.....	\$337 86
Amount expenses libraries.....	955 63	900 00	.....	55 63
Total.....	<u>\$110,612 94</u>	<u>\$114,099 43</u>	<u>\$3,879 93</u>	<u>\$333 49</u>

Although the number of children in the district has increased, the number of children who have attended school during some portion of the year has decreased. On the other hand, the average attendance has increased considerably. These facts show that the attendance of those who go to school is much more regular than it was last year. The falling off in the number who attended is to be attributed to the increased demand for labor, especially in manufacturing. The loss is confined, with the exception of 44 in Eastchester, to the city of Yonkers, a place noted for its large factories. This conclusion is strengthened by the fact that the number between 8 and 14 who have attended during some part of the year has been largely increased.

* In the foregoing comparison, 6 teachers who have not taught 28 weeks are not included.

VI.

Although there are nearly 9,000 volumes in the school libraries of this district, still there is no such interest taken in these important adjuncts to the school by the teachers and trustees as there should be. District No. 2, of Yonkers, has 1,900 volumes; district No. 4, of Mount Vernon, Eastchester, 1,742 volumes; and district No. 2, of Bronxville, Eastchester, has 964 volumes. These three districts take a just pride in their libraries and are constantly adding thereto. District No. 6, of Yonkers, has 831 volumes; district No. 1, of Westchester, 780; and district No. 3, of Westchester, 750. These three districts, though taking less interest in their libraries than the other three named above, nevertheless do something toward improving them, but the rest of the districts do next to nothing in the way of enlarging their libraries, and one district has no library at all.

Only \$900 have been expended for library books out of a total expenditure of \$114,000. This is less than eighty cents out of every \$100. The number of books has, however, been increased by 642 volumes. I regard a good library as one of the best educators a school can have, and through it every teacher should develop in his pupils a love of good reading matter. The instruction given in our schools is mainly to enable pupils to read intelligently and teach themselves hereafter, and no time to begin to do so is so good as that when they are at school and can have the guidance of a good teacher.

VII.

Of the 21 school-houses in this district, there are 2 in the city of Yonkers, in each of which the average daily attendance for the past year has been over 800. In each of these schools over 20 teachers are employed. The school-houses are large brick buildings, valued at from \$50,000 to \$60,000 each, and compare favorably with those of any other cities in the State. The principals are gentlemen of large experience and well established reputations, and each is assisted by a corps of teachers carefully selected and full of energy. The course of study in both schools is much the same and is, in my judgment, too much like that of an academy or preparatory school. Latin, French, rhetoric, and the like are taught, instead of natural history, astronomy and the natural sciences. But with this exception, the management of these two schools is admirable and the course of study excellent. There is another school in the same city, in a thinly settled part thereof, a school which has only 1 teacher and an average attendance of 45. The school-house is a handsome brick building with only one large school room. The walls of this room are frescoed, around it pictures are hung, and in the windows flowers are kept. The teacher is a gentleman, of scholarly attainments, who has taught there for many years; and so well conducted is his school that he is able to teach well, and does teach well, almost as much as is taught in the two large schools already named. Indeed, I am convinced that in such a school, a child has a better chance to get a good education, and to learn to think and to rely on himself,

than he has in one of the large graded schools; and this little school in district No. 1, of the city of Yonkers, is a fair case in point. The other two schools in Yonkers are still smaller, having an average attendance of only 24 and 32, respectively. Neither has the advantages or facilities of the other three, but in both the instruction given is satisfactory.

In the village of Mount Vernon, in the town of Eastchester, there are two large graded schools, in one of which there are 17 teachers and an average attendance of 550 pupils; while in the other there are 9 teachers and an average attendance of 300. The school-houses are, like those in Yonkers, large brick buildings, which cost \$50,000 and \$20,000, respectively; and the schools not only resemble the two graded schools of Yonkers, in many respects, but compare favorably with them. The course of study is not quite as extended, especially in the smaller school, but the instruction given is as satisfactory.

In the village of Bronxville in the same town is a school which has 2 teachers, and an average daily attendance of about 70. This school is an illustration of the fact that a good school need not necessarily be a large one. It is admirably conducted, and as good an education can be obtained therein as in any other school in the county. The course of study does not comprise as much as may be found in a few other schools, but what is taught is taught just as well, and the pupils are led to think for themselves just as much as in any other school, and much more than in most others.

In two of the other schools in the town changes have been made since the close of the last term, and apparently for the better.

In the town of Westchester there is one school in which 6 teachers are employed; another in which there are 5; a third in which there are 4; a fourth in which there are 2, and a fifth in which there is 1. The last named is a small school in which the average daily attendance is less than 25, and therein no opportunities for teaching much more than the rudiments are afforded.

The school in which 6 teachers are employed is in the village of Westchester, and has an average attendance of about 180. Although the school-house is one which is wholly unsuitable for a large school, and although the principal and teachers have been compelled to work under great disadvantages, this school has justly ranked, and does to-day, as one of the best in the county. For many years past it has had the good fortune to be under the principalship of Mr. Isaac E. Young, one of the most conscientious, earnest teachers in the State. He has recently resigned the position to accept a similar one in New Rochelle, and Mr. J. A. Reinhart, who, for several years, had been the principal of a school in an adjoining district, and had there been highly successful, was appointed to fill the vacancy.

The third school which is at Williams Bridge has an average attendance of about 130, and has 4 teachers. For some time past this school has not been successful on account of a want of harmony among the teachers. This, however, has now been remedied, and

there is good reason to believe that a marked improvement will be produced. The school-house, however, is a poor one, and renders it impossible for the teachers to do as well as they could in a better building.

Such, in brief, is the condition of the public schools in this district. While I know that it is in need of much improvement, I am happy to add that it compares very favorably, indeed, with that of the public schools of any other district of the State.

Respectfully,

JOSEPH S. WOOD,
School Commissioner.

MT. VERNON, November 20, 1880.

WESTCHESTER COUNTY—SECOND DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In accordance with request issued in your circular of July 20, relative to the condition of public schools in this district, I respectfully submit the following:

I would premise by saying that this being my first year as commissioner, the ideas which may be presented will of necessity be open to criticism and fall far short, when balanced with those of larger experience. I believe that it is safe for me to say that my time and energies have been closely identified in benefiting the educational interests of this county. That my inexperience has fettered me in some particulars full well I know; but it has been my aim to discharge every duty without fear or favor, recognizing the fact that, although many mistakes have been made, yet, our schools are in a prosperous condition as compared with previous years.

One great detriment to the more rapid advancement of our schools is the seeming indifference taken in them by patrons and residents. Many registers show the fact that, for the past year, no visitor has crossed the threshold of the school-house, excepting the commissioner. Now this should not be; parents of children should manifest sufficient interest to often visit the school, thereby giving encouragement to scholar and teacher, and awakening an interest which would be highly beneficial.

Regarding the character of work performed, would state that although much good work is being done, much of it lacks practicality. Here I think is where reform is most needed; let us have more practical and industrial work. And why? The life and interests of this nation must of necessity be concentrated in the industrial employments of the people, and the quicker educators of our youth realize the importance of teaching, what will be worth dollars and cents to our pupils on leaving school, then and only then can we

expect to revolutionize conditions and tendencies of society, and the public school system will do that for which it was intended, viz. Enabling the youth of our land to understand the importance of industrial labor and to elevate and harmonize its interests to the social and political structure of our nation. Are we not giving to our pupils the idea that manual labor is degrading, and fostering upon them ideas of indolence and dependence? Would it not be wise to show by practical knowledge that honest labor is dignified, that it is the heritage pronounced upon us all, and is the lever which will elevate and distinguish this country above every other?

In reference to work accomplished, irrespective of visitations, have endeavored to make the acquaintance of trustees in the different districts, counseling and aiding with my advice, relative to building new school-houses, repairing those out of condition, and impressing them with the importance of pleasant surroundings, and am glad to say that in almost every case my ideas have been considered favorably and work accomplished in this direction.

The licensing of teachers in this county is carried out by my associate commissioners and myself in a manner which I heartily indorse and strongly recommend. We have printed rules and regulations, a copy of which is sent to each teacher, consequently, personally I have given but few certificates, four first grade, nine second grade, and 19 provisional; these last giving the applicant six months' time preparatory to being examined at one of the quarterly examinations before the board of commissioners.

In this connection, would suggest that some changes might be made which would be advantageous. Examinations for licensing teachers should be made uniform throughout the State. Questions to be prepared under the direction of the State Superintendent, and sessions held twice a year, at points most accessible in different parts of the State, making it obligatory upon commissioners to carry out the provisions of law as enacted. This would make each commissioner entirely independent of personal friendship or partisan interference.

Another point which interferes seriously with the advancement of our school work, in some districts, is inefficiency of trustees; and great care should be taken in their selection, as in this direction many are selected to act who have no idea of the work or the time employed if the duties are properly attended to. No school can be successful without labor on the part of trustees, comprehensive ability to understand the requirements demanded, and positiveness to carry out whatever pertains to the school and its progress.

My knowledge of teachers in this district warrants me in saying that the great majority are persevering, conscientious and faithful in their performance of duty, steadily endeavoring to introduce improved methods in instruction and discipline, and eager to introduce into their schools every thing which may be of service and profit to their pupils.

One word regarding blank reports for the use of trustees in making out their annual reports. Very many complaints have been made to me about the difficulties trustees have in making them out. Although to me they seem to be simple and easily understood, I have been obliged to return very many for corrections, thus showing they fail in their character. Some more simple plan might be adopted relieving the mind and patience of both trustees and commissioners.

You will notice, from my report, that all my schools have averaged, during the past year, over forty weeks of time since school has been open.

Now regarding appropriation of school money to determine the average attendance. If we had limited the time of holding our schools to twenty-eight weeks, the appropriation would have been larger than it now is, from the fact that our average would have been greater; therefore, it seems to me to be seriously unjust in this particular, a premium paid to short school work, and damaging to the best interests of our school system.

The school law, so far as it relates to "compulsory education," is positively ignored; either some provision should be made for its enforcement or else it should be erased from the statute book.

As no difficulties have arisen in my district relating to alterations of school boundaries, I do not feel competent to make any suggestions regarding them. Local and neighborhood difficulties are rare, and as I find no two cases are analogous, I think they should be judged by their own respective conditions; consequently, it would seem difficult to legislate on this branch of the work.

The teachers' institute for this county was held at Mt. Kisco, commencing the middle of May, under the superintendence of Professor Lantry, assisted by Professor Pooler. It is unfortunate for us that the institute is held at this time of the year, from the fact that many of our schools are preparing for examinations; and again being in the center of the school term both trustees and teachers do not feel warranted in neglecting school work at this most important time of the year for them. I would most respectfully suggest that the time for holding the institute in this county be changed.

I am glad to be able to say that important and valuable accessions in the shape of school buildings are completing in parts of my district. Notably in district No. 4, in the town of Rye, where recently an appropriation of \$20,000 has been passed for the erection of a new school building. In district No. 1, in the town of Pelham, they have recently completed a brick school-house, which for architectural design and finish, style and manner of ventilation, is deserving of especial commendation.

Most of our libraries are in a wretched, neglected condition, and if the appropriation for library purposes was devoted to purchasing school apparatus much more good would be done. In a few cases, however, they have been well maintained, and have been generously supported and encouraged by the people.

In conclusion, it is our desire to elevate the school system of this State to the highest pinnacle of usefulness, and that with the hearty co-operation and sympathy of trustees, teachers, parents and pupils will strive to do our work without prejudice or favor, trusting the school interests may be elevated and strengthened, and our consciences approving our endeavors in aiding and perfecting this grand bulwark of liberty.

With many thanks for the prompt, courteous replies which I have from time to time received from the Department, and expressing the assurances of my friendship and respect,

I am, very respectfully yours,

THEO. B. STEPHENS,

School Commissioner.

TARRYTOWN, *November 10, 1880.*

WESTCHESTER COUNTY—THIRD DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR.—In reviewing the work of the past school year, I have the feeling that is probably common to most of the school commissioners of the State, that I have accomplished less than I expected to, and have worked more.

The trustees' reports of this fall show a total of 116 visits, though the number will slightly exceed that, since there are a few districts having two or three school-houses which report only the visits to one.

To make a general statement of the condition of the schools so inspected and the quality of the work done therein, would be about as simple and definite a task as to compute the average piety of the characters in Milton's "Paradise Lost."

The condition of the school, of course, will depend almost entirely on the ability of the teacher, though with a given teacher it will vary somewhat through the liberality or penuriousness of the board of trustees. Theoretically, therefore, there are two means through which the end of good teaching may be attained. First, through care in the licensing of teachers. Second, by raising the public sentiment in regard to the importance of the work. The former is practicable; the latter very doubtful, except through the former.

By care in the licensing of teachers, I do not mean a rigid examination in the higher branches so much as a careful observation of the success of teachers, grading their certificates accordingly, and discouraging—yes, discouraging those who, while they may have talents really remarkable in some other direction, have neither taste nor talent for teaching.

During the past few years of financial depression, there can be no

doubt that a larger proportion than usual of untrained teachers have entered the ranks, for it is a very general impression that those who can't do any thing else can teach school, from the briefless barrister to the faded belle.

During the last six months, there has been a very perceptible decrease in the number of applications for positions from the inexperienced, and the prospect is that through the increasing interest in the subject of education, teaching will assume more of the nature of a profession.

The growing number of normal graduates will also tend to the same result, though the normal schools seem to be adding more to the general intelligence of the community than to the number of trained teachers.

During the past school year, I have granted one hundred and twenty-five licenses, of which seven were first grade, thirty-six second, and eighty-two third grade. Many of the third grade were six months' certificates which were renewed, thus swelling the number beyond the number of teachers. Of course, the first grade certificates being for three years are necessarily few in number as compared with the others.

I have held four public examinations in my district, advertised in the local papers, besides having assisted my associate commissioners at four public examinations for county certificates. I have found among the teachers of my district a decided disrelish for public examinations, and a tendency to avoid them. For that reason, probably four-fifths of the candidates have been examined privately, and to accommodate these, I have made it a rule to be at home on Saturdays; but it is my opinion that there should be some fixed rule for the holding of public examinations at stated times, and that no certificates should be granted on private examination. An individual who has not the confidence to compete with others in public will not be likely to have the presence of mind requisite for successful teaching.

With regard to the method of apportioning the public school moneys, I see no objection to be made unless perhaps to the distribution of library moneys which very seldom accomplishes the desired effect.

In my commissioner district, sixty-four districts out of a possible eighty-three use their library money to pay teachers' wages, while the few wealthier districts which do use it for library purposes are those which appreciate fully the importance of the library, and would have one even if it had to be paid for entirely by direct tax on the district.

The problem of compulsory education is one that I cannot pretend to solve, but it is evident that little progress has yet been made toward that end.

In other respects, I see little fault to find with the public school system in this State.

I believe that the influence of the institute held in this county has

been excellent, and a considerable amount of good has been effected by it, especially in the rural districts.

I have had very little time to look into the work of the private schools and academies in my district, and my impressions are not decided enough to be of much value. The quality of their work varies, of course, like that in the public schools, and injustice might be done by too hasty a conclusion.

With regard to the workings of the school commissioner system, my words may have some weight from the fact that I shall not, under any circumstances, occupy the position again. Objections to the system almost invariably come from those who know little of the labors of the office.

It is impossible to have a system of supervision that will apply equally well to rural districts and to large graded schools, but I believe that the present one comes as near it as possible, with the exception of insufficient salary. The school commissioner can never meet the requirements of the position until the salary is sufficient to compensate a man of education, of energy and of experience for his entire time. Such a one will find his time fully occupied from January 1st to December 31st, and occupied, too, by the most expensive kind of work, viz., traveling and corresponding. There is more money in a position as teacher at \$50 per month, than a school commissioner at \$1,000 a year. Nor should the commissioner be obliged to become a beggar at the feet of a committee of supervisors, who can only please their constituents by reducing the taxes.

I consider myself a long way removed from the ideal school commissioner, and when I say that he will find his time fully occupied, I do not wish to imply that mine has been, for it has not quite. But I have not neglected the business, either from unwillingness to work or inability to find work. The reason has been a constitutional unwillingness to contract debts, that my salary will not pay, and that too in a work for which no one will thank me.

In conclusion, I would say that if there has been one respect in which my work has been especially lacking, it is in the matter of words.

During the past school year, I believe I have made no speeches, and I now feel myself ill prepared to prove my fitness for the office by making a comprehensive, profound and elegant report.

Trusting that these disconnected paragraphs may convey the ideas that I intended they should,

I remain, your obedient servant,

EDWARD N. BARRETT,

School Commissioner.

BEDFORD STATION, *December 10, 1880.*

WYOMING COUNTY — FIRST DISTRICT.

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR.—In my report of one year ago, I stated that an outline of study had been prepared by the commissioners of this county and introduced into all the common schools of the county, from the use of which beneficial results were confidently expected. At the institute and through the press, this outline was fully explained, teachers were urged to give it their careful consideration, use it in grading the children under their care, and arrange their studies according to its suggestions. About half of the teachers tried to follow these instructions laid down in their registers, others were still further advised to do so as their schools were visited. As a result, I found winter and summer schools the best I have ever seen. Many letters from teachers who actually used the outline testify to the practical value it has been to them, in the schoolroom. These letters tell where such and such pupils started and what they accomplished during the term. They speak of the ease with which the schools have been governed, the interest manifested in the respective studies, and the satisfaction parents have shown in the plan. We have not seen fit to make the outline compulsory. We are trying it. So far it is a success. We only wish it were more universally used in our schools, criticised, and if need be, revised. I submit a copy to the Department with the request that it be published in connection with this report. We do not claim for it perfection, but we do claim satisfactory results from its use. As it meets the eye of other commissioners and educators, it may become materially improved.

“AN INDICATED COURSE OF STUDY FOR THE DISTRICT SCHOOLS OF
WYOMING COUNTY.

“The average daily attendance at the schools in this county during the last school year was 4,129. These pupils are to be our future citizens. Our teachers have them under their charge from seven to ten months each year, and undertake the responsibility of moulding them in habits of thought and culture, in these early years of their lives, when they are most susceptible to the influences about them. Can we, in any way, strengthen the hands of our teachers in this work? One-third of these teachers, each year, are beginners, and, therefore, inexperienced. There is no outline of study or work at hand to guide them. The preceding teacher left not even a programme to indicate the work of last term. These things, together with the frequent change of teachers, one omitting some important branch, another adding to the list of branches taught, have resulted in great irregularity and looseness in the way of doing the work, and in the knowledge acquired by the pupil, often leaving both teacher and pupil involved in a maze of doubt and perplexity. The outline of work herewith presented will indicate the proper course

for the teacher to pursue. It is believed that this outline will be especially helpful to those that have young pupils in their schools. The normal schools, the high schools and the union graded schools have their work clearly outlined. In preparing this plan, various outlines of work used in those schools have been consulted. Many leading educators and school officers, while expressing their approval of this course, made valuable suggestions. Notes taken while visiting the schools have been found useful. We have aimed at simplicity, clearness and adaptability in compiling this outline. Teachers in district schools, unless they have as good a plan, are expected to become perfectly familiar with this outline of work, and use it in arranging their programmes.

August 20, 1879.

J. B. SMALLWOOD,
C. A. HALL.

OUTLINE OF STUDY FOR THE UNGRADED SCHOOLS OF WYOMING COUNTY.

Studies for the First Reader Pupils.

Reading—Words from charts, word-cards, blackboard and First Reader.

Writing—On slates ruled into three spaces by a scratcher. Use long pencils. Write words from chart and blackboard. When the First Reader is used, children should copy a part of each reading lesson upon the slate, to be criticised by the teacher at the recitation.

Numbers—Read and write numbers to 100. Addition and subtraction by 1's, 2's, 3's and 5's to 25. Add columns of units, no result to exceed 25. Practical, original examples should be given with each exercise by teacher and pupil.

Miscellaneous exercises—Lessons on familiar objects in the home and schoolroom should be given to develop habits of observation and power of expression. Pupils should be taught to draw straight lines (number limited by teacher) combining them into figures.

Studies for Second Reader Pupils.

Reading—Second Reader.

Spelling—Oral and written of all words used in the reading lessons.

Numbers—Addition and subtraction tables to 12's, and by 3's, 4's, etc., to 9's as far as 100. Adding numbers in columns. Subtracting numbers in which each figure of the minuend is always greater than the corresponding figure of the subtrahend. Multiplication and division tables to 5's. Combinations in addition, subtraction, multiplication and division. Reading and writing numbers to 10,000. Analysis of simple problems.

Writing—Copying a part of each reading lesson, making a proper use of capitals and punctuation marks. Pupils should be taught how to hold the pencil, the proper position, and the formation of small letters, using the principles laid down in the writing books.

Miscellaneous Exercises.—Conversation lessons upon the domestic and the most familiar wild animals, especially such as are mentioned in the reader, or are seen about the children's homes. Classify objects as animals, vegetables and minerals.

Studies for Third Reader Pupils.

Reading—Third Reader.

Spelling—Oral, written and phonic of all words used, giving selected words in the reader as a special exercise. Definitions, abbreviations.

Numbers—Mental arithmetic to fractions, using text-book. Rapid combinations, using the tables to 12's. Reading and writing numbers of two periods. Add and subtract numbers in columns. Multiply and divide numbers of two periods, multiplier or divisor not to exceed 12. Analysis of problems. Principles of Roman notation. Tables U. S. money, avoirdupois weight, of dry, liquid and long measures, and of time. Written arithmetic to fractions during last six months, using a text-book.

Geography—Pupils in this grade should be taught from the globe and outline maps. They should learn to describe the natural divisions of land and water, name and locate the grand divisions and the political divisions of North America; be able to draw maps of the school grounds, town, county and State. May use a primary geography during the last six months of the grade.

Writing—Write with pen and ink in copy books. Use books in which the proper formation of the small letters (singly and combined in words) can be taught. Give special attention to the position of the pupils and manner of holding the pen, using tracing copy books.

Miscellaneous Exercises—Conversation lessons on familiar objects continued. Children should reproduce the work of each lesson on paper, using capitals and punctuation marks properly

Studies for Fourth Reader Pupils.

Reading—Fourth Reader.

Spelling—First half of speller, from reader and other text-books. Use of writing speller. Definitions. Spell words by sounds. Abbreviations and punctuation.

Writing—Copy books. Special instruction should be given on proper formation of capitals.

Geography—Primary or Intermediate geography, with map drawing, using parallels and meridians.

Grammar—Language lessons first year. Text-book second year. In the oral work, first name all object words, distinguishing those that begin with a capital; then action words; form simple sentences, combining these. Quality words, combine with objects, etc. Let each part of speech be taken up in this way, until pupils can point out the parts of a sentence and tell the name and relation of each word. Same work with a text-book during second year.

Numbers—Written arithmetic; common and decimal fractions and compound numbers. Mental arithmetic—each subject preceding the same works in written arithmetic.

Declamations and Select Readings—Written abstract.

Studies for Fifth Reader Pupils.

Reading—Fifth Reader and from newspapers and magazines.

Spelling—Speller completed. Oral, written and phonic spelling of any words used in the various text-books. Abbreviations and punctuation. Test words.

Writing—Copy books.

Geography—Common school geography. Map drawing. Grand Divisions from memory, using parallels and meridians.

Grammar and Language Lessons—Text-book in grammar. Analysis and parsing from reader. Written exercises on historical or other subjects, a knowledge of which has been developed by conversation. Practical exercises in the use of the various punctuation marks. Letter writing.

Numbers—Written arithmetic completed and reviewed, with frequent exercises in mental arithmetic.

History of the U. S.—Text book. Brief outline of discoveries and settlements. Revolution. Administration. Great Rebellion. Declamations, dialogues, compositions and written abstracts.

Civil Government."

There are in this commissioner district 102 districts; 93 schools, employing 113 teachers. In these schools, I have made, during the year, 188 official visits. My custom in most cases is to visit a school unannounced. I then find teachers and pupils in every day working order. The regular exercises of the school room are not interrupted. My desire is to see what the teacher is doing, and how he does it. At the close of my visit I always tell teachers and pupils either together or separately, what I think of them, making such suggestions as seem demanded. I try to make all feel that any criticisms offered are for their good, that being my only desire.

At the risk of seeming egotistical I will say it is my opinion that the official visits of the commissioners in this county are looked upon with pleasure and profit. It does not require a very smart man to impress upon others the interest he has in their welfare.

There are in this district three union graded schools. Attica employs nine teachers, Warsaw seven, Perry six. The school buildings are of brick, and worth from \$25,000 to \$40,000 each. The boards of education are selected from the most capable and public spirited of our citizens. These schools are conducted with an intelligence worthy of the times. No poor teachers are kept. Many teachers in these schools have been employed in the same department for years, and are growing gray in the service. These schools have fine libraries and sufficient apparatus for class work. The Attica school is outgrowing its quarters, and will have to build an addition. The

Warsaw school has, during the past year, started a museum. The idea was conceived by one of our citizens, Capt. Z. L. Tanner, of the United States service. In his journeys around the world many curiosities came into his possession, and later, when engaged in the deep sea sonnding of the United States fish commission, he was enabled to obtain duplicate specimens of rare value. These he has donated to this museum, and is constantly making additions thereto. The citizens of the place have become interested in the matter and have given of their means. A room and cases have been prepared, large numbers of specimens have been purchased, until now, in some departments, the collection is as full as that possessed by many colleges. These schools are valuable sources of intelligence and refinement in our midst, and from them large numbers of our teachers come.

I have issued, the past year, the following licenses : First grade, 16; second grade, 87 ; third grade, 31 ; total, 134.

A teachers' examination is held in each town in the spring, and one at the close of the institute in the fall. These examinations are from printed questions, the answers, in all cases, being written. The subjects are arithmetic, geography, grammar, civil government, history of United States, spelling and writing. Questions on methods are sometimes used but not always. We give third grade certificates, limited to particular schools, and for six months for an average of 65 per cent. of correct answers. Second grade for one year, where the applicant has shown ability to teach and has an average of 85 per cent., and for a nearly perfect examination with experience, etc., a first grade.

This whole question of licensing teachers is one of such importance, that I have long wished for and advocated a *uniform system of examination for the whole State.*

Concerning the apportionment of the public money, I have two suggestions to make. First, to avoid much confusion and many mistakes, let every district report to the commissioner in whose district the school-house is situate, and to no other. 2d. Retain the present district quotas, and apportion the remainder of the public money solely on the basis of actual attendance at school.

Our institute, just held, numbered two hundred and thirteen members. We allow nothing to detract from the actual work of an institute. Notwithstanding it was held the week before the presidential election, with the usual excitement and meetings of the campaign, it continued full, many times crowded, and finally adjourned at 10 o'clock, p. m., of the last day.

On the last evening, a platform meeting was held, addressed by lawyers, clergymen, bankers, etc. These men freely gave their time and best thoughts to the teachers before them, thus showing the deep interest the community has in the teachers of their children. Teachers, as they reviewed the labor and experiences of the week, felt encouraged and strengthened for their work.

Concerning normal schools, I hardly know what to report. We

have several normal teachers, as you will see by the abstract. Most of them are doing excellent work; and still I am of the opinion that we have many teachers, who never saw the inside of a normal school, who are doing just as good work. As I am open to conviction, I beg to await further study and development of the whole subject.

There are in this district two Catholic church schools. The one in the town of Sheldon has been in operation several years. I am well acquainted with the teacher, and often visit his school. In this school both English and German are taught. It numbers from 40 to 125. The school in the town of Bennington has only been in operation a short time.

In the village of Warsaw is a successful kindergarten school, with which many parents and no small number of children are delighted. In the same village is a young ladies' school. It usually numbers about forty.

Your commissioner has long felt inclined to investigate the workings of this school, but as yet has not been able to overcome his natural timidity for a sufficient length of time to allow him to do so. He has good reports of the school, however, and knows it to be supported by very excellent people.

And now as I draw this somewhat lengthy report to a close, permit me to say I hardly know whether it meets your requirements or not — the whole subject is so vast, so intricate, so far reaching in its results. There have been wise men before to day. "There is *no* royal road to knowledge." The thoughtful man, at times, rejoices at the prospect of success; at times ponders and shakes his head. Through all his plans and efforts, he sees in the future the American citizen — intelligent, hopeful, clean. For this he labors and will ever pray.

Your obedient servant,

J. B. SMALLWOOD,
School Commissioner

WARSAW, November 18, 1880.

WYOMING COUNTY — SECOND DISTRICT

Hon. NEIL GILMOUR,

Superintendent of Public Instruction:

SIR. — In conformity with your directions of July 20th, I here with submit my written report of the condition of the schools in this commissioner district for the year ending September 30, 1880.

TERRITORY.

This commissioner district embraces the following towns, viz.:

Arcade, Castile, Eagle, Gainesville, Genesee Falls, Java, Wethersfield and Pike.

The surface of the country is a broad rolling upland. The roads are good in the summer, but often the piling of the snow in winter makes traveling difficult.

The people are largely engaged in dairying. The eastern towns are well adapted to the growing of winter wheat. Our soil is good, prices have been excellent, farmers have prospered, therefore, the laborer, the manufacturer and the merchant have prospered.

AS SHOWN BY TRUSTEES' REPORTS.

The number of districts having school-houses in this county is 78. Number of licensed teachers employed at the same time for 28 weeks, 90.

Number of children between 5 and 21 years of age residing in the district, 3,899.

The number of children residing in the district attending schools some portion of the school year was 3,188.

Eighty per cent. of the children of school age residing in the district attended the district school some portion of the school year.

Number of children of school age for each qualified teacher, 43.

Average daily attendance per teacher, 20.

For full financial and statistical reports, I would respectfully refer you to those already forwarded to the Department.

WORK DONE.

During the year, 123 teachers were licensed. Of these, 43 taught only the winter term, and 38 only the summer term. Some teachers taught during the winter in one school, and during the summer in another. I have made 167 official visits besides short calls when on my way to and from more distant places. Seventy-six schools were visited, and the work doing in each carefully noted. The time given to the different schools varied greatly. Sometimes a whole day would be spent in one school. Two schools visited a day is a fair average.

During the year, four new school-houses have been built. To bring this about each tax payer in the district was called upon whether favoring the project or not, and the question discussed with him; the special meeting was attended. The fifth new building with which we have had some thing to do is nearly completed, making eight new school-houses in this commissioner district within two years.

We have made some alterations in district boundaries. In each case the ground was carefully gone over, all the conditions examined, and then our measures taken as we thought right to do. No quarrels have resulted from these changes that we are aware of.

Add to the above demands on our time, the work imposed by school district difficulties, apportioning school moneys, financial and statistical reports, institutes, teachers' associations, and the account of work done will be nearly complete.

IMPRESSIONS RECEIVED FROM SCHOOL VISITATIONS.

From observations made during visits in the schools, I am prepared to say, without hesitation, that I believe these schools, as a rule, are doing a good work. We are not blind to their defects. But we are also awake to the vitality, energy and grand possibilities native in them.

The commissioner who preceded me, E. J. Quigley, managed to keep the teachers alive to the necessity for constant doing toward better things. I trust there has been no retrograde step. "By their fruits ye shall know them," Wherever I go, I find boys and girls ambitious to get an education. And that they are surely doing this is patent to the observer, from the many really nice readers that we find among them. Large numbers have acquired a taste for reading at home.

As welcome signs are noticeable regarding other of the branches taught in the district school, the city schools are noted for their machinery. It has been my privilege to observe, at different times, the city boy and girl take their place in the class in a country school. The difference in acquirements, nature having been equally bounteous to all, was not striking. I have studied the working of our district schools with deep interest, and look upon them as places where our boys and girls, healthy and strong and ambitious, are really being led to think and investigate for themselves by a body of teachers who have received much of their *own* training from *thinkers*, and who teach as they were taught so far as they can, except that some teach far *better* than they were taught. These teachers are the sons and daughters of our farmers, mechanics, lawyers, doctors and ministers.

Five teachers in our schools to-day are graduates of normal schools. Nine have received instructions in normal schools. Five are graduates of other schools. One, E. J. Quigley, passed the State examination last July. All have had more or less training in graded schools or the seminary. Many have won their way to enviable reputation for character and high standing in their profession. These teachers love their work, are proud of their calling, and succeed. There is the complaint that many make teaching a stepping stone for some other profession. I think this is true. The most eloquent divines in this country were formerly teachers. Some of our best physicians and ablest lawyers were formerly teachers. Many of our successful business men were once teachers in district schools. Anna Dickinson, Susan B. Anthony, Lucretia Mott, and James A. Garfield, with a host of other honored citizens, gave part of their early, earnest lives to moulding the children and youth of our land toward their own noble ideal of what a citizen

should be. There are many teachers in this commissioner district, conscientiously moulding mind in habits of thought and culture, who are destined not always to be teachers. But we shall always know them as earnest, strong men and women wherever we find them.

I have thus stated some of the general impressions which I have received from visiting these schools.

Specifically, many teachers need special training in order to gain a clearer knowledge of the subject. Most of our teachers need special training in methods.

LICENSING TEACHERS.

This has been a subject for serious study with me during the past two years.

With well defined methods of my own to begin with, I have studied the State examinations, the Regents', and other school commissioners' examinations. Our questions have been mostly written. Puzzles, catch questions, and those designed merely as tests of memory, were avoided.

A candidate is expected to be able to read with correct expression; to be able to teach penmanship by some system; to use readily the diacritical marks; to write a letter in a creditable manner; to spell correctly; to work intelligently in arithmetic and geography; to do clear work in analysis and parsing; to possess a knowledge of leading facts and things in U. S. history and civil government, and to be well informed about what is going on in the world around us. For third grade, 60 per cent. correct answers were required; for second grade, 75 per cent. and experience in teaching; and for first grade, 90 per cent. and at least three terms successful teaching.

This is not a very broad or showy course of study; but we have some excellent teachers still in the second grade, and in at least two cases persons holding diplomas failed to reach the requisite per cent. for second grade.

I have long believed that teachers' examinations throughout the State should be uniform; should occur at same time; the questions be prepared by a board elected by all the commissioners, or by a board appointed from commissioners by State Superintendent; that two persons with the commissioner should form a board of examiners; that the standard be uniform, and that certificates be valid in any part of the State.

I am convinced that measures similar to these would be efficient means for improving our schools. No fears need be entertained that the teachers would not work up to the requirements. Wages, with slight assistance from the Legislature, would be adequate to the demands of the new order of things.

SCHOOL LAWS.

1. School districts are sometimes nearly ruined by residents in one district buying adjoining lands lying in another district. I believe the law should be changed.

2. All reports of joint districts should go to the commissioner in whose district the school-house is located, and to no other.

3. The beginning of the school year should be changed from 1st of October to 1st of September.

4. When teachers' examinations become uniform, let all apportionments, except teachers' quota, be based on average daily attendance.

5. If the township system be adopted, let it be done throughout the State.

Difficulties arising in school districts out of school affairs will continue more or less frequent until the golden rule be adopted by all men. The code, the Department and the judicious commissioner, taken together, are peculiarly well calculated to get at the right of matters in most cases. Many times these difficulties spring from ignorance of the school laws. If these are taken in time, they are usually easily dealt with.

SCHOOLS.

Castile has a union graded school of which her citizens are justly proud. The teachers, Professor H. H. Snell, Miss Cora Hoagland, Miss Daily and Miss Mallory, spare no pains to make this a first class school.

Arcade has a union graded school, the teachers of which are doing excellent work. Professor Goldsmith and Miss Gray are graduates of Geneseo normal school. Miss Burno spent six months in Buffalo normal school last year. These graduates are doing more for the normals in the vicinity of their work than a whole book of written arguments.

Pike seminary, now under the efficient management of Professor I. B. Smith, assisted by Professor Barrus and wife, has given us some of our best teachers. This school has three courses of study, viz.: two years' English course, three years' seminary course, and three years' classical course.

Gainesville, East Gainesville, Pike, Eagle Village, Portageville, Wethersfield Spa and Java village have each a flourishing school, employing two teachers. Sixty-nine schools employ one teacher.

The people believe in the district schools. I think there never was a time when our citizens more clearly saw the need for educating the children than they now do. This is shown by the sacrifices made by parents in order to send their children to school; in the new school-houses; in the extensive repairs upon others; in the pride of the local paper in the schools, and in the fact that our best and most experienced teachers all find employment. So long as public opinion remains as now, the schools will continue to flourish. There are grumblers, close fisted trustees, lack of school visitation by parents, and too little generosity regarding expenditures. *I have heard that Quincy, Mass., is troubled in like manner.*

STATE NORMAL SCHOOLS.

Our people regard the State normal schools very highly. Six persons from this district have entered these schools within the year. In order to be able to answer the many questions asked about the normal schools by teachers and others interested in them, partially, at least, from personal knowledge, I spent two days in the Geneseo normal school.

I now say to all inquiring teachers, go to some one of these schools, if possible. Go long enough to *acquire, assimilate and be able to use* the improved methods employed there. As a rule, those who go but for a term, though they may be greatly benefited thereby, cannot fairly represent the school in their work.

The destruction of the normal schools would be a severe blow to our common schools. Aside from the direct work which they accomplish, there is a broader and, perhaps, a greater work done by them. They are a kind of magazine of methods and means from which thousands of our best teachers gather practical suggestions and help. They stimulate to better work in many ways that do not enter into ordinary calculations.

INSTITUTE.

Our institute was full of good things.

Conductors Post and Dann were exceedingly clear and practical in their instructions. I believe this institute will be productive of salutary results in the schools of this county. I have never seen our teachers manifest a livelier interest in regard to books and journals treating of their work than at this institute. This is a good sign for conductors, teachers, people and all concerned. A full report of this institute has been forwarded to the Department.

What the public sentiment concerning institutes is, is answered by saying we intend to ask for one to be held here next spring. At our institute we said to teachers, write to us, freely stating your troubles.

Letters now before me complain of the different text-books for the same grade brought into the school; one teacher reports as a consequence 32 classes. I suggest, teach by topic; change books with those who have the right kind, but are through with them. I think that by one or both these ways we shall be able to better grade the classes in several schools.

Again, I acknowledge the most friendly and generous treatment at the hands of teachers, school officers, and all with whom I have met in doing my work.

To the Department, I am under obligations for courteous and prompt answers to many and all inquiries.

Very respectfully yours,

C. A. HALL,
School Commissioner.

GAINESVILLE, November 23, 1880.

YATES COUNTY.

HON. NEIL GILMOUR,

Superintendent of Public Instruction :

SIR. — After some delay, caused by pressure of business, I take this my first opportunity to comply with your order, directing commissioners to answer a certain number of questions relating to their labors and official acts during the school year ending September 30, 1880. I shall attempt to answer these questions, in order, as well as I can.

1. During the past school year, I have visited all the schools in my district twice (once each term), with a very few exceptions. In winter we generally hold from two to three evening sessions in the schools. I visit two each day, and try to put in the time in the school room, and not on the road.

I usually have a definite subject to discuss during the term; also, give many lectures and explanations at my evening meetings. Last summer the subject was *anatomy*, or a systematic statement of all the bones in the human body, giving the number in each part, and requiring the pupils to copy the same for their own benefit.

I have granted certificates as follows: First grade, 40; second, 100; third, 107. I hold examinations for teachers at the time of holding my institutes, also at other times in a few of the central points in the county. I grant certificates upon the merit of the examination, ascertaining as nearly as possible the per cent. of correct answers in each branch of study. After one or more terms I grant licenses, in some cases, according to the success of the applicant. If there were some fixed standard of examination and questions arranged by the Department, or some committee appointed by that authority, and then have the answers returned for their scrutiny and decision, I think it would be an improvement.

I have no suggestion for any change in the manner of apportionment of school moneys; it seems to be well arranged as it is. Some, however, suggest that the apportionment should be made according to the assessed valuation of the district; I do not think so.

The question of district boundaries is a vexed one, and should be carefully considered before taking any action to alter a district; perhaps the township system *would obviate the difficulty*.

2. The schools in this district are generally in a prosperous condition. Some of the school-houses are still in a dilapidated condition, the seats being altogether too uncomfortable and inconvenient for the best good of the pupils. Some new school houses have been built this year, and some others reseated and otherwise improved. Many teachers are especially industrious and zealous in trying to inform themselves and be always progressive. I think, in a majority of the schools in the district, we have very good instruc-

tion indeed, and generally excellent discipline. There are some exceptions. The influence of the instruction given at the institutes and at the State normal schools has a marked and positive effect for good in very many schools; several have attended some of these schools, from my district, for a greater or less period; I think the normal schools are doing a good work.

3. All the schools in this county are under my supervision and visitation, except Starkey seminary and the Dundee preparatory school; these I visit also. They are very thorough and successful institutions, and send out many good young teachers into the district schools. There are a few private schools in Penn Yan; they are under competent teachers.

4. In regard to the statements in this division of the subject, I shall be obliged to plead guilty in being so tardy about forwarding my report. Perhaps it will be too late to be available, yet I hope it will be of service to yourself at least, or rather some satisfaction to hear from my district. You can, however, state to all interested parties that the school commissioner in Yates county is a believer in thorough earnest work, in better schools and better school-houses, in the adoption and application of all means that are proven to be successful. It has been my constant and unswerving duty and care to impress upon all the pupils in my county sentiments of patriotism, manhood, temperance and truth. No man could be more thoroughly interested in the proper moral training of children, and the grand and worthy effort of trying to properly educate every child.

We hold our teachers' association monthly, and it is thoroughly practical and beneficial.

Any man who argues that the office of school commissioner is one of ease and indolence does not know any thing about the real work of this office. The years I have devoted to this service have been the most active, earnest and laborious of my life.

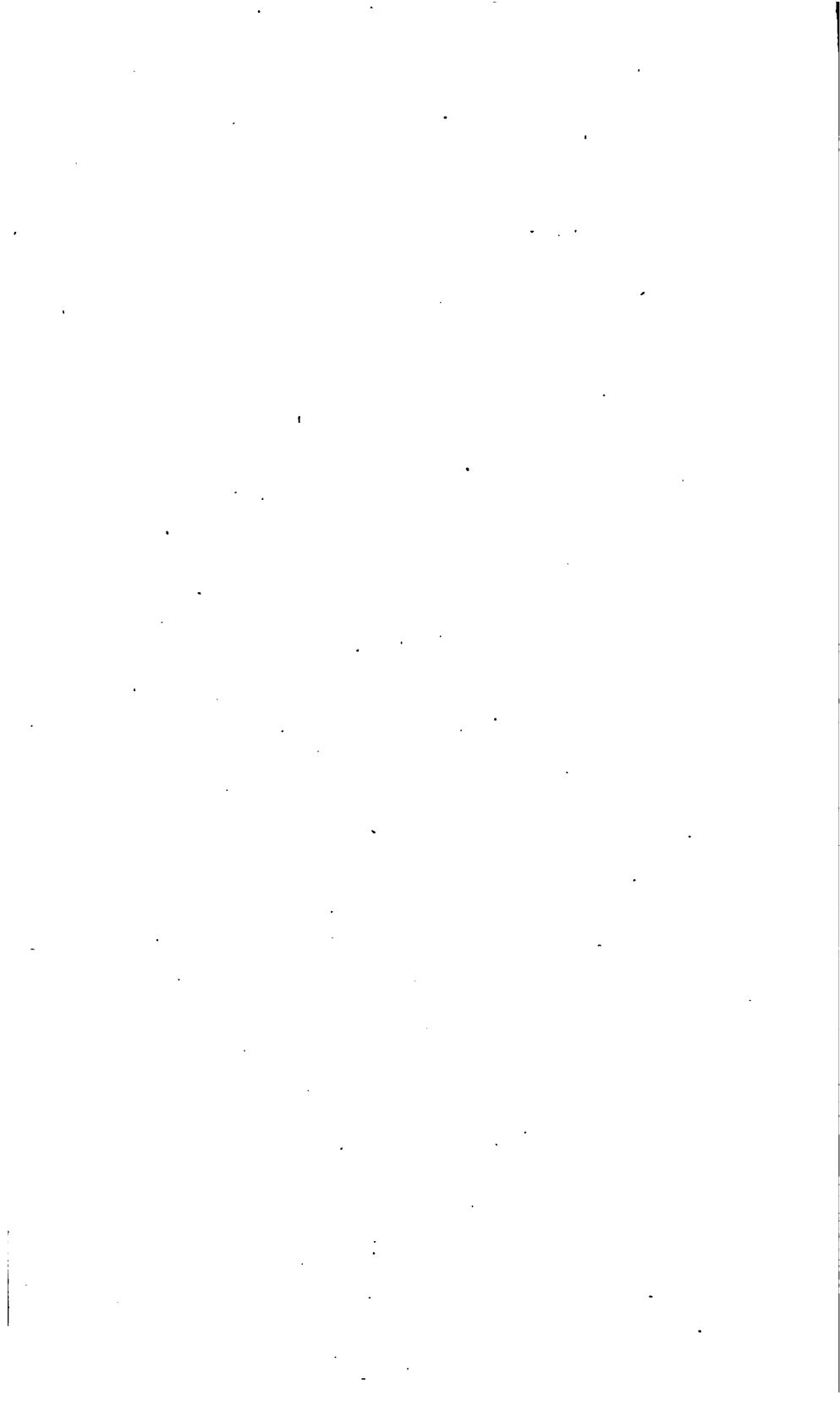
My failures have been owing chiefly to ignorance and the lack of larger ability to do more efficient service. No position known to me opens a grander field of usefulness, or a larger sphere for the exercise of philanthropic impulses, and the building up of a more intelligent, virtuous, patriotic and worthy race of men.

Your obedient servant,

WILLIAM F. VAN TUYL,

School Commissioner.

PENN YAN, *December 11, 1880.*



INDEX.

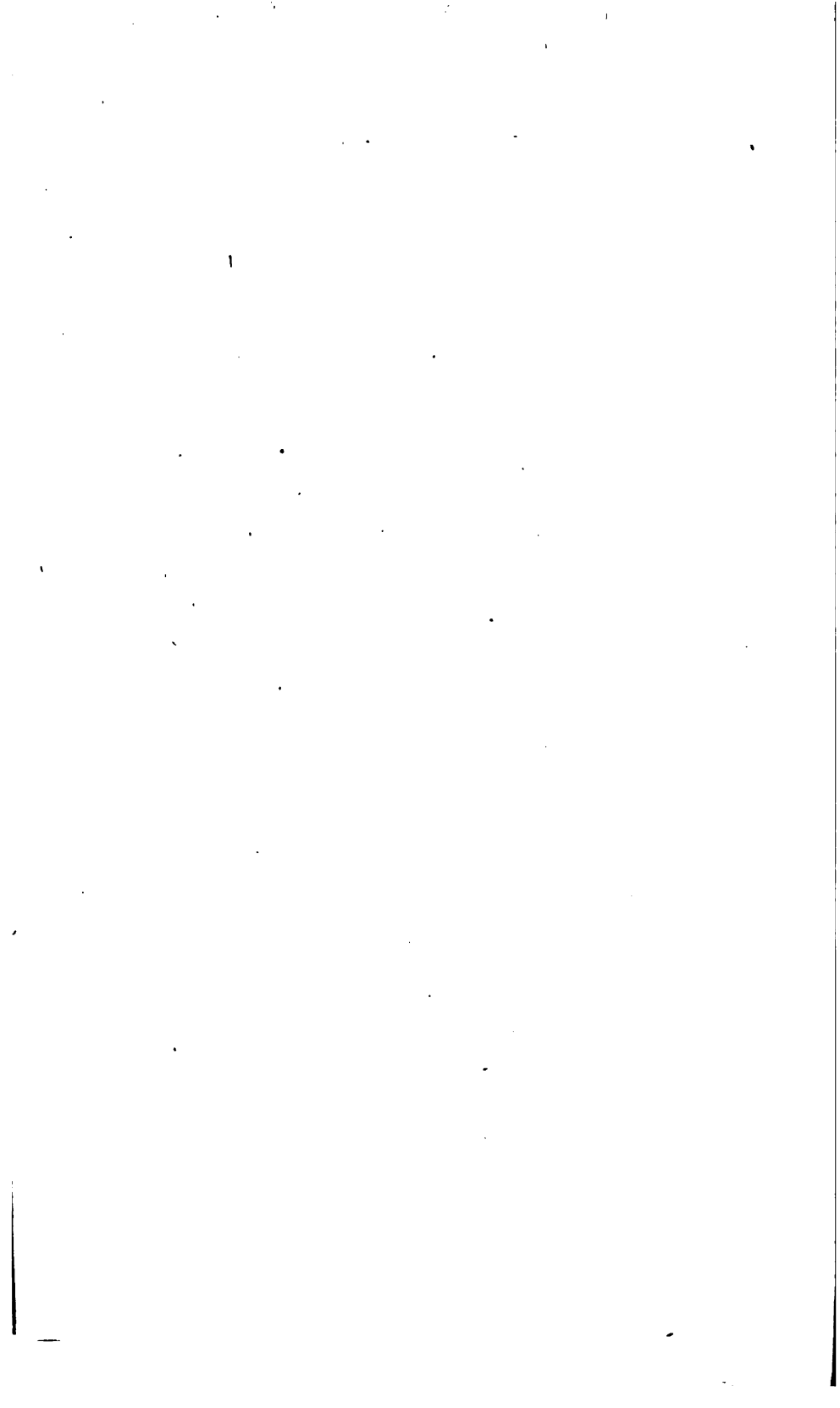
	PAGE.
Academies,	
attendance of pupils.....	11
payments from appropriation for support of.....	16
for teachers' classes in.....	17
teachers' classes in.....	24
recommendation in regard to.....	24
Albany Normal School,	
annual report of.....	119-127
Allegheny Indian Reservation,	
receipts and expenditures for schools.....	21
report of superintendent.....	115
Apparatus,	
payments for, in cities.....	15
in towns.....	15
total payments in 1875 and 1880.....	87
Apportionment,	
of school moneys.....	14
of money for teachers' wages.....	15
libraries.....	15
supervision in cities.....	15
salaries of school commissioners.....	15
years 1875 and 1880.....	87
tabular statements.....	68, 69
Association,	
New York State Convention of School Commissioners and City Superintendents...	23
teachers' association.....	23
Attendance,	
aggregate number of days of, in cities and towns, 1875-1880.....	8
counties.....	73, 74, 75
State, 1875-1880.....	8
average daily, in 1875 and 1880 (comparative).....	86
of pupils in cities and towns.....	8
counties.....	73, 74, 75
State.....	8
per teacher in cities and towns.....	10
number of children of school age. (See Children.)	
per cent. of average attendance on whole number of pupils between 5 and 21 years	
of age, in cities, towns and State.....	10
per cent. of average attendance on whole number of pupils attending school in	
cities, towns and State.....	10
table showing number in attendance for last ten years.....	8
whole number of pupils for each qualified teacher in cities, State and towns.....	10
in cities and towns, 1871-1880.....	8
counties.....	73, 74, 75
State, 1871-1880.....	8
Blind, New York Institution for the.....	22
annual report of.....	114
attendance of pupils.....	22
Brockport Normal School,	
annual report of.....	127-135
Buffalo Normal School,	
annual report of.....	135-141
Cattaraugus Indian Reservation,	
report of superintendent.....	115
statement, financial.....	21
Children,	
number of, between 5 and 21, in cities and towns.....	7, 73
counties.....	70, 71, 72
State.....	7, 72
1875 and 1880.....	86
for each teacher, in cities, towns and State.....	9
in attendance at school. (See Attendance.)	
Colleges,	
attendance of pupils.....	11
Colored Schools,	
expenditures for, in cities and counties.....	81, 82, 83
total expenditures for 1875 and 1880.....	87

	PAGE
Commissioners,	
association of, annual meeting	157-158
names and post-office addresses of each	75-76
reports, financial	70-71
statistical	12
special	15, 17
salaries	12
visits, number of	5
Common School Fund,	
amount apportioned to each county	84, 85
investment of capital of	14
revenue from	13
statement of	15
Contingent Fund,	
balance of	15
for separate neighborhoods	15
Cornell University,	
payment for support of	17
Cortland Normal School,	
annual report of	141-142
Council of the Nautical School,	
annual report of	1212
Deaf and Dumb, Institutions for the Instruction of	21
Deaf and Dumb, New York Institution for the Instruction of	105
Deaf-Mutes, Central New York Institution at Rome	111
Deaf-Mutes, Le Couteux St Mary's Institution at Buffalo	112
Deaf-Mutes, New York Institution for the Improved Instruction of	107
Deaf-Mutes, St. Joseph's New York Institute at Fordham	113
Deaf-Mutes, Western New York Institution at Rochester	112
Districts,	
aggregate number of, in counties	70, 71, 72
towns	5, 13
State	17
District Libraries	12
District Quotas,	
amount paid per teacher	12
apportionment of	12
how determined	12
Documents,	
1. State tax and valuation per counties in 1875 and 1880	65
2. School tax paid and received by each county	67
Common School Fund apportioned	69
3. Apportionment of school moneys for 1881	70-73
4. Abstract of statistical reports from commissioners	73-83
5. Abstract of financial reports from commissioners	84, 85
6. Investment of capital of Common School Fund since 1805	85, 87
7. Comparative statistics for the years 1875 and 1880	88, 89
8. Statistics of Teachers' Institutes in 1880	91, 92
9. Statistics of Normal Schools, 1880	95
(A.) Report of the Council of the Nautical School, New York City	96
(B.) Reports of examining committees for State certificates	103
(C.) Report of the Principal of the Institution for the Instruction of the Deaf and Dumb	107
(D.) Report of the Principal of the New York Institution for the Improved Instruction of Deaf-Mutes	111
(E.) Report of the Principal of the Central New York Institution for Deaf-Mutes	112
(F.) Report of the Principal of the St. Joseph's Institute for the Improved Instruction of Deaf-Mutes	114
(G.) Report of the Principal of the Western New York Institution for Deaf-Mutes	115
(H.) Report of the Principal of the New York Institution for the Blind	116
(I.) Report of the Superintendent of the Allegany and Cattaraugus Indian Reservations	117
(J.) Report of the Superintendent of the Onondaga Indian Reservation	118
(K.) Report of the Superintendent of the Shinnecock and Poospatuck Indian Reservations	119
(L.) Report of the Superintendent of the Tonawanda Indian Reservation	121
(M.) Report of the Superintendent of the Tuscarora Indian Reservation	122
(N.) Annual report of the Normal School at Albany	123
(O.) Annual report of the Normal School at Brockport	124
(P.) Annual report of the Normal School at Buffalo	125
(Q.) Annual report of the Normal School at Cortland	126
(R.) Annual report of the Normal School at Fredonia	127
(S.) Annual report of the Normal School at Genesee	128
(T.) Annual report of the Normal School at Oswego	129
(U.) Annual report of the Normal School at Potsdam	130
(V.) Normal School circular	131
(W.) List of School Commissioners	132
(X.) Reports of School Commissioners	133
Education, the condition of our system of	134
Educational Meetings	135
Elmira Female College,	
payment for expenses of	17
Fredonia Normal School,	
annual report of	136-137

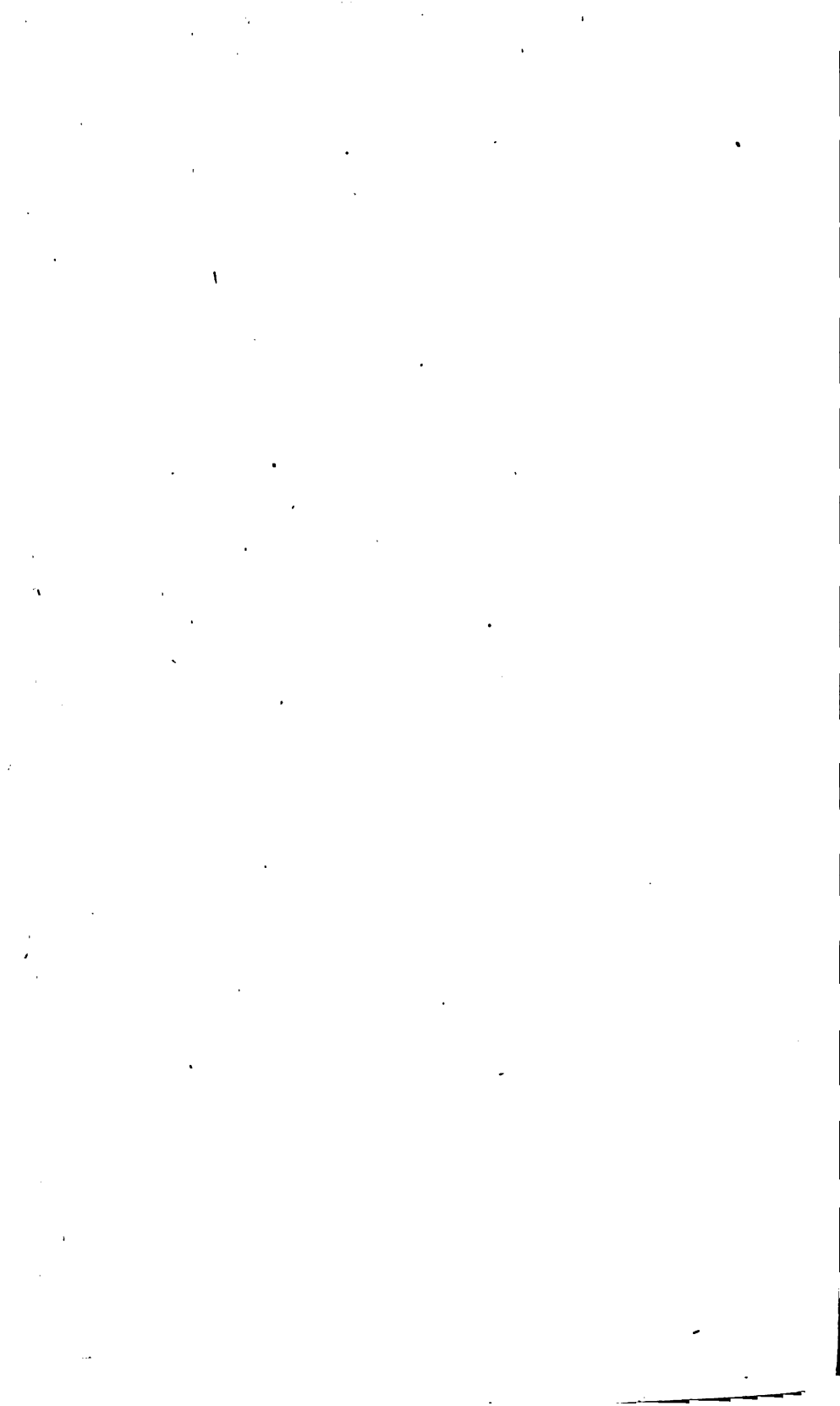
	PAGE.
Free School Fund, statement of.....	14
Genesee Normal School, annual report of.....	163-168
Gospel and School Lands, proceeds of.....	80
summary, comparative, for 1875 and 1880.....	87
Indian Schools.....	21
appropriation and payment for.....	17, 21
number of children on reservations.....	21
reports of superintendents.....	115-119
Institutes, Teachers'.....	17
statistics, table for 1880.....	88, 89, 90
past ten years (comparative).....	20
Instruction.....	10
Law Schools.....	11
attendance at.....	17
Libraries, district.....	15
apportionment for.....	15
expenditures for.....	15, 16
number of volumes in.....	77
value of, as reported.....	77
Manhattan Company, dividends on stock of.....	13
Medical Schools, attendance at.....	11
Nautical School, report of.....	22
Neighborhoods, separate, apportionment for.....	15, 68, 69
Normal schools.....	23
admission to.....	185
appropriation paid from Free School fund.....	14
attendance of pupils.....	11, 91
curricular of.....	183
course of study.....	185
expenditures.....	14
graduates, number of.....	91
libraries and apparatus.....	92, 93
moneys received.....	92
State normal school at Albany.....	119
Brockport.....	127
Buffalo.....	135
Cortland.....	141
Fredonia.....	158
Genesee.....	163
Oswego.....	169
Potsdam.....	178
tables, financial.....	92, 93
terms and vacations.....	185
value of, property.....	92
Normal School Circular.....	183
Onondaga and Madison Indian Reservations, statement, financial.....	21
Onondaga Indian Reservation, report of superintendent.....	116
statement, financial.....	21
Oswego Normal School, annual report of.....	169-178
Poospatuck Indian reservation, report of superintendent.....	117
statement, financial.....	21
Population, cities and counties.....	68, 69
Potsdam Normal School, annual report of.....	178-183
Private Schools, attendance at.....	11
number of.....	72
Public Moneys.....	13
apportioned and appropriated.....	14, 15, 69
avails of State tax.....	14
Common School Fund, investment of.....	84
revenue of.....	14
contingent fund.....	14
Free School Fund.....	15
payments.....	14
receipts.....	14
school moneys received and apportioned.....	14, 15
Pupils, attendance of. (See Attendance.)	
Quotas, district.....	68, 69
how determined.....	12
increase, 1876-1881.....	13

	PAGE
Regents of University, appropriation for.....	17
respecting normal school at Albany.....	119
Reports, abstract of, financial and statistical.....	70-83
from commissioners, written.....	120
of blind.....	114
of council of nautical school.....	85
of deaf and dumb.....	103
of deaf-mutes.....	107-113
of examining committees for State certificates.....	96
of Indian schools.....	115-119
of normal schools.....	119
of State Superintendent.....	5-82
St. Regis Indian Reservation, statement, financial.....	21
School Apparatus. (See Apparatus.)	
School Commissioners, names of.....	187-190
supervision by.....	24
School districts. (See Districts).....	5
School-houses.....	6
aggregate value of, 1871-1880.....	7
average value of, 1871-1880.....	7
average value of, in cities.....	6
decrease of log.....	6
stone.....	6
expenditures for, and sites, etc., in cities and towns.....	6
State.....	6
increase of, brick and frame.....	6
number and classification of.....	6, 13
total expenditures for, and sites, etc., in 1880.....	6
last ten years.....	6
value of, and sites in cities and towns.....	7
counties.....	76, 77
State.....	7
School Law, amendments proposed.....	14, 22, 24, 25, 26
School meetings, women as voters at.....	25
School Money, apportioned.....	15
received.....	14
summary of receipts and payments.....	15
Schools, Common, attendance, 1880.....	7
average time of terms of, in 1880, in cities, towns, State.....	10
last ten years.....	10
expenses of (summary).....	16
Schools for the deaf and dumb and blind.....	21, 22
School, Statistics, abstracts of reports.....	70-83
summary of.....	13
comparative, 1875, 1880.....	86, 87
for ten years.....	6, 7, 8, 10
School System, condition of.....	58
School Tax, paid by each county.....	68, 67
received by each county.....	67
School Terms, average length, 1871, 1880.....	10
Separate Neighborhoods, apportionment to.....	15, 68, 69
Shinnecock Indian Reservation, report of superintendent.....	116
statement, financial.....	21
State Certificates examination for.....	25
State School Tax, avails of.....	14, 68
State Teachers' Association.....	23
State Valuation, by counties.....	66
Statistical Reports, brief summary.....	13
of normal schools.....	91, 92, 93
summary of commissioners' abstracts.....	70-83
teachers' institutes.....	20, 88, 89, 90
Supervision.....	24
State appropriations to cities and villages for.....	15, 68, 69
Supervisors, moneys forfeited in hands of.....	83
Tax, School, amount of district, raised in cities and towns.....	90

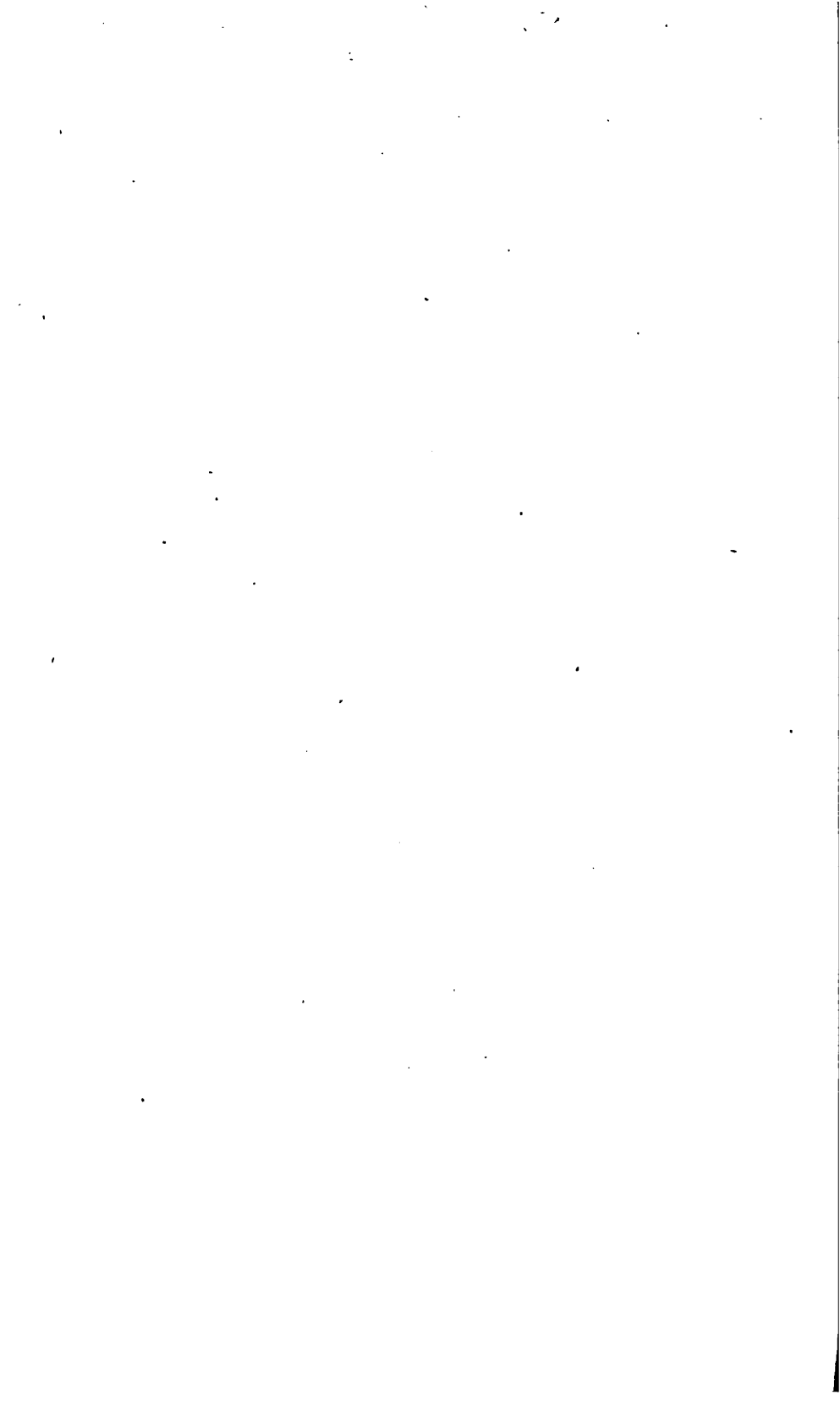
	PAGE.
Tax, School,	
amount of State, raised in counties	66, 87
received back, in counties.....	87
total in towns.....	83
State	83
summary for 1875 and 1880.....	87
Teachers	11
apportionment for wages of, in cities and towns	68
State	69
associations of.....	28
average salary of, in cities and towns.....	12
number of weeks taught by.....	72
by whom licensed	11
number employed at same time, cities and towns.....	13, 69
counties	72
table for last five years.....	11
of males and females, cities and towns	72
summary for 1875 and 1880	86
wages, aggregate amount in cities, towns and State	12
average annual.....	12
weekly.....	12
summary for 1875 and 1880	87
Teachers' Classes in Academies	24
Teachers' Institutes. (See Institutes)	17
Township System	24
Tuscarora Indian Reservation,	
report of superintendent	119
statement, financial.....	21
University Convocation.	23
United States Deposit Fund,	
moneys received from, and apportioned to public schools	14
Valuation, State.	
counties in 1875	66
in 1880	66
Visits of Commissioners,	
number of.....	72
Women as voters and school officers.....	25











INDEX TO ASSEMBLY DOCUMENTS.

A.

	No.
Adirondack survey, report of superintendent.....	61
Adjutant-general, report of.....	35
Agricultural society, report of.....	111
Annual message of the governor.....	2
Annual reports (see Reports)	
Assembly, joint resolutions of.....	129
and senate, joint rules of.....	7
committees of, list.....	21
members of, list of.....	1
members, officers and reporters, list of (with address).....	42
rules of.....	6
Assessment and taxation, joint committee on, rules of	45
Asylums (see name of institution, reports, etc.).	
Attorney-general, communication from.....	126
Audit, board of (see Board of audit).	
Auditor of canal department, reports of (see Reports).	

B.

Bank department, superintendent of (see Superintendent).	
Blind, institutions for (see name of asylum).	
Board of audit, annual report of.....	8
report of on claim of Flower & Co.....	84
Board of commissioners of pilots, report of.....	24
of health, report of.....	29
Bribery, charges of, report on.....	130
Brooklyn Institute, report of.....	108

C.

Canal department, auditor of (see Auditor).	
Canals, expenditures of, report on.....	86
report on.....	28
tolls, trade and tonnage of, report on.....	87
Catholic Protectory at Buffalo, report of..	40
Central New York Institution for Deaf Mutes, report of	18
Charges, terminal, report on.....	114

Charities, board of (see State board of charities).	No.
Commissioners of emigration, report of.....	33
on military code, report of.....	80
of pilots, board of (see Board).	
of quarantine, report of.....	43
Committees, list of.....	21
Communications:	
Fisher's Island, relative to.....	23
from attorney-general.....	126
commission on tax laws.....	124
comptroller.....	71
New York city common council.....	131
Neurological Society (in relation to streets).....	107
Tax payers' Association (in relation to streets).....	109
State reporter.....	51
Supreme court reporter.....	55
Museum of Natural History, relative to.....	39
New York city, water supply of, bill for increase of, against, (See, also, Reports, special.)	76
Companies navigating lakes and rivers, report on.....	48
Comptroller, annual report of.....	3
communication from in response to resolution.....	71
Conrad Poppenhausen Association, report of.....	44
Cooper Union, report of.....	31
Criminal statistics, report on.....	65
Cypress Hills Cemetery, report of committee to investigate affairs of	14

D.

Deaf mutes, institutions for instruction of, reports of (see Reports).

E.

Elmira Reformatory, affairs of, report on.....	98
Emigration commissioners (see Commissioners).	
Engineer and Surveyor, reports of (see Reports).	

F.

Fisher's Island, resolutions of Connecticut assembly concerning..	23
---	----

G.

General orders, list of, 47, 49, 60, 62, 63, 69, 72, 73, 78, 83, 89, 93, 97, 101, 112, 117, 121, 125.	
special, list of, 77, 82, 88, 91, 95, 100, 106, 116, 120.	
Governor, annual message of.....	2
pardons and reprieves granted by, statement of.....	16

H.

Health, board of (see Board of Health).	No.
Hell Gate pilot laws, resolutions of New Jersey assembly concern- ing.....	46
Homœopathic asylum for insane, report of.....	17

I.

Idiots, institutions for (see name of institution).	
Inebriates' Home, report of.....	37
Insane asylums, reports of (see Reports).	
Instruction, superintendent of (see Superintendent).	
Insurance department, superintendent of (see Superintendent).	

J.

Joint assembly, resolutions of.....	129
-------------------------------------	-----

K.

Kings county and Queens, boundary between, report on.....	104
asylums and hospitals of, report on.....	36
Inebriate Home, report of.....	37

L.

Lard cheese (see Oleomargarine).	
Le Conteulx Saint Mary's Institution, report of.....	9
List of assembly committees.....	21
general order (see General Orders).	
members.....	1
officers and reporters (with address).....	42
special general orders (see General Orders, special).	

M.

Members, list of.....	1
officers and reporters, list of (with address).....	42
Memorials (see Communications).	
Middletown asylum, report of.....	17
Military Code, commissioners to revise, report of.....	80
Museum of Natural History, report of.....	127

N.

Natural History Museum, report of.....	127
New Jersey assembly, concurrent resolution of.....	46
New York Asylum for idiots, report of....	19
Infant Asylum, report of....	32
Institution for the Blind, report of.....	15
for deaf and dumb at Washington Heights, report of...	20
for Improved Instruction of Deaf Mutes, report of....	22

	No.
New York city, affairs of, communications and reports relating to (see Communications, Reports).	
common council, clerk of, communication from.....	131
Neurological Society, communication from relative to streets of New York.....	107
sinking fund, report on.....	110
'Tax payers' Association, communication from relative to streets of New York.....	109

O.

Oleomargarine and lard cheese, report concerning.....	105, 128
Onondaga Salt Springs, report of superintendent of.....	27
Oswego City Library, report of.....	30

P.

Pauperism, statistics of.....	64
Pilots, commissioners of (See Board of commissioners of pilots).	
Prisons (see State prisons).	
Public instruction, superintendent of (see Superintendent).	
works, superintendent of (see Superintendent).	

Q.

Quarantine commissioners (see Commissioners).	
Queens county and Kings, boundary between, report as to.....	104

R.

Railroads, report of state engineer on.....	92
Regents of the University, communication from.....	39
Reporter, State (see State Reporter)	
Reports, annual:	
of adjutant-general.....	35
auditor, annual financial.....	4
on expenditures of the canals.....	86
on tolls, trade and tonnage of the canals.....	87
board of audit.....	8
of commissioners of pilots.....	24
of health.....	29
of managers of Catholic Protectory.....	40
of New York Infant Asylum.....	32
Brooklyn Institute.....	108
Central New York Institution for Deaf-Mutes.....	18
Commissioners of emigration.....	33
of quarantine.....	43
comptroller.....	3
of Sailors' Snug Harbor.....	96
Conrad Poppenhausen Association.....	44
governor, annual message.....	2
of pardons, commutations, reprieves.....	16

